

# भारत का राजपत्र The Gazette of India

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No. 22]

NEW DELHI, SATURDAY, JUNE 2, 2001/JYAISTHA 12, 1923

इस भाग में निम्न बूट संख्या दी जाती है जिससे कि यह भाग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कामिक, लोक शिकायत तथा पेशन मंत्रालय

(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 23 मई, 2001

का.आ 1161.—केन्द्र सरकार, दिल्ली विशेष पुलिस  
स्थापना अधिनियम, 1946 (1946 की अधिनियम संख्या  
25) की धारा 6 के साथ पठित धारा 5 की उप-धारा  
(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए  
तथा असम राज्य सरकार राजनीतिक (क), विभाग, दिसपुर की  
दिनांक मार्च 12, 2001, पी.एल.ए. सं.-106/2000/  
43-क. द्वारा प्राप्त असम राज्य की सहमति से  
नागेन सरमाह, वन तथा लोक निर्माण विभाग मंत्री,  
असम सरकार और 4 अन्य की हत्या के संबंध में पुलिस  
चौकी नलबारी, असम में दिनांक 27-2-2000 को दर्ज प्रथम  
सूचना रिपोर्ट संख्या 61/2000 के संबंध में, विस्फोटक पदार्थ  
अधिनियम, 1908 की धारा 4/5, शस्त्र अधिनियम, 1959 की  
धारा 25(1) (ख) और गैर-कानूनी गतिविधियों (निवारण)

अधिनियम, 1967 की धारा 10/13 के साथ पठित भारतीय  
दंड संहिता की धारा 302/307/427/120(ख)/121क  
के तहत दंडनीय अपराधों का अन्वेषण करने और उपर्युक्त  
अपराध अथवा उनसे संशक्त किसी प्रयास, दृष्टिकरण तथा पड़ोश  
अथवा किए किसी अन्य अपराध (अपराधों) अथवा उसी तथ्य  
(तथ्यों) से उद्भूत अपराधों का अन्वेषण करने के लिए  
एतद्वारा दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों  
और अधिकारिता का विस्तार संपूर्ण असम राज्य के संबंध  
में करती है।

[सं. 228/49/2000-एम.बी.-II]

हरि सिंह, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC  
GRIEVANCES AND PENSION

(Department of Personnel and Training)

New Delhi, the 23rd May, 2001

S.O. 1161.—In exercise of the powers conferred  
by Sub-section (1) of Section 5 read with Section 6 of  
the Delhi Special Police Establishment Act, 1946 (Act

No. 25 of 1946), the Central Government with the consent of the State Government of Assam vide Political (A), Department, Dispur Notification No. PLA 106/2000/43-A dated 12th March, 2001 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for the investigation of offences punishable under section 302/307/427/120(B)/121(A) IPC read with section 4/5 Explosive Substance Act, 1908, 25 (I) (B) Arms Act, 1959 and section 10/13 Unlawful Activities (Prevention) Act, 1967, and any attempt, abetments and conspiracies in relation to or in connection with the said offence or any offence(s) committed or arising out of the same fact(s), with regard to FIR No. 61/2000 dated 27-2-2000 registered at Police Station, Nalbari, Assam relating to the assassination of Nagen Sarmah, Minister of Forest & PWD of Government of Assam and 4 others.

[No. 228/49/2000-AVD. II]  
HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 18 मई, 2001

स्टाम्प

का. प्रा. 1162.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो कि पंजाब सड़क एवं पुल विकास बोर्ड द्वारा जारी किए गये मात्र पचास करोड़ रुपये के समग्र मूल्य के 1 से 5000 तक की विशिष्ट संख्या वाले 14.25 प्रतिशत अपरिवर्तनीय, विमोच्य कराधेय बंधपत्रों श्रृंखला-1 के रूप में वर्णित प्रोमिसरी नोटों के स्वरूप वाले बंधपत्रों पर उक्त अधिनियम के तहत प्रभाय है।

[सं. 19/2001-स्टाम्प-फा. सं. 33/32/99-  
बि. क.]

अभय त्रिपाठी, निदेशक (बित्री कर)

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 18th May, 2001

STAMPS

S.O. 1162.—In exercise of the powers conferred by clause (a) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as 14.25% Non-Convertible Redeemable Taxable

Bonds-Series I bearing distinctive numbers from 1 to 5000 aggregating to rupees fifty crore only issued by the Punjab Roads and Bridges Development Board, Chandigarh, are chargeable under the said Act.

[No. 19/2001-STAMPS F. No. 33/32/99-ST]

ABHAY TRIPATHI, Director (Sales Tax)

आदेश

नई दिल्ली, 19 अप्रैल, 2001

स्टाम्प

का. प्रा. 1163.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, स्टेट बैंक ऑफ ट्रावन्कोर को मात्र एक करोड़ रुपये का समेकित स्टाम्प शुल्क भ्रष्टा करने की अनुमति प्रदान करती है जो उक्त बैंक द्वारा 23 मार्च, 2001 को प्रावर्तित मात्र एक सौ करोड़ रुपये के 30001 से 40000 तक की विशिष्ट संख्या वाले प्रोमिसरी नोटों के स्वरूप के स्टेट बैंक ऑफ ट्रावन्कोर बांड (II श्रृंखला) के रूप में वर्णित बांडों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 18/2001-स्टाम्प-फा. सं. 33/22/2001-  
बि. क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 19th April, 2001

STAMPS

S.O. 1163.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits State Bank of Travancore, Trivandrum to pay consolidated stamp duty of rupees one crore only chargeable on account of the stamp duty on bonds described as State Bank of Travancore Bonds (IV Series) in the nature of promissory notes bearing distinctive numbers from 30001 to 40000 aggregating to rupees one hundred crore only, allotted on 23rd March, 2001 by the said Bank.

[No. 18/2001-STAMPS-F. No.  
33/22/2001-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 19 अप्रैल, 2001

स्टाम्प

का. प्रा. 1164.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, मै. आई. सी. आई. सी. आई. लिमिटेड, मुम्बई को मात्र सात करोड़ उनचास लाख वयालीस हजार आठ सौ तेरह रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किये जाने वाले मात्र नौ सौ निव्यान्वे करोड़ तेईस लाख पचहत्तर हजार रुपए के समग्र मूल्य के ऋणपत्रों के स्वरूप वाले 1998475 आई. सी. आई. सी. आई. अनुरक्षित विमोच्य बन्धपत्रों (फरवरी 2001, निर्गम) पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 17/2001-स्टाम्प का. सं. 33/20/2001-  
वि. क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 19th April, 2001

STAMPS

S.O. 1164.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. ICICI Limited, Mumbai to pay consolidated stamp duty of rupees seven crore forty nine lakh forty two thousand eight hundred thirteen only chargeable on account of the stamp duty on 1998475 ICICI Unsecured Redeemable Bonds (February, 2001 Issue) in the nature of Debentures aggregating to rupees nine hundred ninety nine crore twenty three lakh seventy five thousand only, to be issued by the said company.

[No.17/2001STAMPS-F.No.33/20/2001-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 19 अप्रैल, 2001

स्टाम्प

का. प्रा. 1165.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय औद्योगिक विकास बैंक, मुम्बई को मात्र पांच करोड़ निव्यान्वे लाख पैंतीस हजार

पचास रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त बैंक द्वारा जारी किये जाने वाले मात्र पांच सौ निव्यान्वे करोड़ पैंतीस लाख पांच हजार रुपये के समग्र मूल्य के आई. डी. बी. आई. ई. फ्लेक्सि बॉण्ड्स-10 (52465 बंध पत्र डिमैट रूप में और 1146236 बंध पत्र प्रॉमिसरी नोटों के रूप में) के रूप में वर्णित बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 16/2001-स्टाम्प-का. सं. 33/19/2001-  
वि. क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 19th April, 2001

STAMPS

S.O. 1165.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Industrial Development Bank of India, Mumbai to pay consolidated stamp duty of rupees five crore ninety nine lakh thirty five thousand fifty only chargeable on account of the stamp duty on bonds described as IDBI Flexibonds-10 (52465 Bonds in the dematerialised form and 1146236 Bonds in the form of Promissory notes) aggregating to rupees five hundred ninety nine crore thirty five lakh five thousand only, to be issued by the said Bank.

[No.16/2001-STAMPS-F.No.33/19/2001-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 21 मई, 2001

का. प्रा. 1166.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश काइल सं. 673/6/2001-सी. यू. एस. VIII, दिनांक 13-3-2001 को जारी किया और यह निर्देश दिया कि श्री मुकेश नागिनवास बोरा सुपुत्र श्री नागिनवास बोरा, निवासी-173, जोली मेकर-I, कूपे परेड, मुम्बई-400005, को निरुद्ध कर लिया जाए और नासिक रोड केन्द्रीय कारागार, नासिक, में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई के सम्मुख उपस्थित हो।

[फा सं. 673/06/2001-सी.यू.एस. VIII]

एस सी. गुलाटी, अवर सचिव

### ORDER

New Delhi, the 21st May, 2001

S.O. 1166.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974), issued order F. No. 673/06/2001-Cus. VIII, dated 13-03-2001 under the said sub-section directing that Shri Mukesh Nagindas Vora, S/o Shri Nagindas Bora, R/o 173, Jolly Maker 1, Cuffy Parade, Mumbai-400005 be detained and kept in custody in the Nasik Road Central Prison, Nasik with a view to preventing him smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/06/2001-Cus. VIII]

S. C. GULATI, Under Secy.

आदेश

नई दिल्ली, 23 मई, 2001

का.आ.1167.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं 673/03/2001

सी-यू-एस. -VIII दिनांक 19-4-2001 को जारी किया और यह निर्देश दिया कि श्री परविन्दरजीत सिंह बिन्दा सुपुत्र स्वर्गीय अमरीक सिंह निवासी बिन्दा निवास, गली नं 8सी, सैकान नं 26, सैटन टाउन जलन्धर सिटी, पंजाब को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, जलन्धर में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में विदेशी मुद्रा के संरक्षण के प्रतिकूल कार्य करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर वॉन्टेड पुलिस अधीक्षक जलन्धर के सम्मुख उपस्थित हो।

[फा. सं 673/03/2001/सी-यू-एस--VIII]

एस. के. सिंह, अवर सचिव

### ORDER

New Delhi, the 23rd May, 2001

S.O. 1167.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/03/2001-Cus. VIII, dated 19-4-2001 under the said Sub-section directing that Shri Parvinderjeet Singh Bindra S/o. Late Amrik Singh, R/o Bindra Niwas, Street No. 8-C, House No. 26, Central Town, Jalandhar City (Punjab) be detained and kept in custody in the Central Jail, Jalandhar with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Senior Superintendent of Police, Jalandhar within 7 days of the



publication of this order in the Official Gazette.

[F.No. 673/03/2001-Cus.VIII]

S. K. SINGH, Under Secy.

आदेश

नई दिल्ली, 23, मई, 2001

का.आ. 1168.—अतः, संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (i) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/11/2001-सी-यू-एस-VIII दिनांक 23-3-2001 को जारी किया और यह निर्देश दिया कि श्री के. मोहम्मद असीफ मुपुत्र श्री के. अब्दुल रहीद, निवासी-5/317, मंगलूर रोड, कर्कला, उडुपी जिला, कर्नाटक, को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बंगलूर में अभिरक्षित रखा जाए जिससे कि उन्हें भविष्य में तस्करी करने से रोक रखा जा सके।

2 अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः, अब उक्त अधिनियम की धारा 7 की उपधारा (i) के खंड (ख) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस महानिदेशक, कर्नाटक के सम्मुख उपस्थित हो।

[फा. सं. 673/11/2001-सी-यू-एस-VIII]

विजय के. शर्मा, उप सचिव,

ORDER

New Delhi, the 23rd May, 2001

S.O. 1168.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/11/2001-Cus. VIII, dated 23-03-2001 under the said sub-section directing that Shri K. Mohamed Asif S/o Shri K. Abdul Rasheed, 5/317, Mangalore Road, Karkala, Udappi District, Karnataka be detailed and kept in custody in the Central Prison, Bangalore, with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person

has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police, Karnataka within 7 days of the publication of this order in the Official Gazette.

[F.No. 673/11/2001-Cus. VIII]

VIJAY K. SHARMA, Dy. Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 16 मई, 2001

का.आ. 1169.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 28 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2001-2002, 2002-2003 और 2003-2004 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि

(i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 28 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के उपबन्धों के अनुरूप होगा उनका अनुपालन करेगा,

(ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम —

(क) अवसरचलात्मक सुविधा को जारी रखना बंद कर देता है; और

(ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 28 के उप-नियम (7) द्वारा यथा-अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है।

(ग) आयकर नियमावली, 1962 के नियम 28 के उपनियम (7) द्वारा यथा-अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम निम्नानुसार है—मैसर्स तिहरी हाइड्रो डेवलपमेंट कॉर्पोरेशन लि. चतुर्थ तल, ए- विंग कृष्णों बिल्डिंग, नोएडा-201301 द्वारा उत्तर प्रदेश/उत्तरांचल में सहायक ट्रांसमिशन प्रणाली सहित प्रथम चरण (4 × 250 मेगावाट) की टिहरी हाइड्रोइलेक्ट्रीक प्रोजेक्ट (फा. सं. 205/18/2001 आयकर नि. II)

[अधिसूचना सं. 126/2001/फा. सं. 205/18/2001-

आयकर नि. II]

कमलेश सी. वाण्योय अवसर सचिव

## CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 16th May, 2001

S.O. 1169.—It is notified for general information that enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that :

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
  - (a) ceases to carry on infrastructure facility; or
  - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
  - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved is of Stage I (4 × 250 MW) Tehri Hydro Electric Project alongwith associated transmission system in Uttar Pradesh/Uttaranchal by M/s. Tehri Hydro Development Corporation Limited, 4th Floor, A-Wing, Kribhco Building, Noida-201301 (F.No. 205/18/2001/ITA.II).

[Notification No. 126/2001/F. No. 205/18/2001-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

कार्यालय, मुख्य आयुक्त, सीमा शुल्क, गुजरात क्षेत्र

अहमदाबाद, 22 फरवरी, 2001

संख्या : 01/2001/कार्या. मु. आ.—गुजरात,

का. आ. 1170.—मै, मुख्य आयुक्त, सीमा शुल्क, गुजरात, अहमदाबाद, सीमा शुल्क अधिनियम, 1962 की धारा 9 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए जो कि सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (क) के अंतर्गत जारी की गई अधिसूचना सं. 33/94-सी. शु., (मै. टी.) द्वारा मुझे सौंपी गई, एतद्वारा बोडकदेव ग्राम पंचायत, तालुका दस्क्रोई, जिला अहमदाबाद, गुजरात, राज्य को सीमा शुल्क अधिनियम, 1962, की धारा 9 के अंतर्गत भाण्डागारण स्टेशन घोषित करता हूँ।

[फा.सं. VIII/48-107/तक./कार्या.मु.आयु.2000]

महेन्द्र प्रसाद, मुख्य आयुक्त

## OFFICE OF THE CHIEF COMMISSIONER OF CUSTOMS, GUJARAT ZONE

Ahmedabad, the 22nd February, 2001

No. 1/2001 (CCO-GUJARAT)

S.O. 1170.—In exercise of the powers conferred on me under Section 9 of the Customs Act, 1962, delegated vide Notification No. 33/94-CUS(NT) dtd. 1-7-1994 issued clause (a) of under Section 152 of the Customs Act 1962, I, the Chief Commissioner of Customs, Gujarat, Ahmedabad hereby declare Bodakdev Gram Panchayat, Taluka Dascroi, of Ahmedabad District in the state of Gujarat, to be a Warehousing Station under Section 9 of Customs Act, 1962.

[F.No.VIII/48-107/T/CCO-2000]

MAHENDRA PRASAD, Chief Commissioner

केन्द्रीय उत्पाद शुल्क मण्डल

पठानकोट, 13 मार्च, 2001

सं 1/2001-सीमाशुल्क

का.आ. 1171.— जबकि केन्द्रीय उत्पाद शुल्क मण्डल पठानकोट के सहायक आयुक्त ने (मैसर्स जे. सी. टी. लिमिटेड, चौहाल होशियारपुर के कारखाने परिसर के (10-80 वर्ग मीटर क्षेत्र को विशिष्ट भण्डागार क्षेत्र घोषित किया था जो कि स्वतन्त्र लोक बंधक भण्डागार के नाम से जाना जाता था, जिसे दिनांक 17-4-96 को मैसर्स जे. सी. टी. लिमिटेड तथा क्षेत्रीय प्रबन्धक, केन्द्रीय भण्डागार निगम के मध्य हुए अनुबंध के अनुसार केन्द्रीय भण्डागार निगम के प्रबन्धन के आधार पर गोदाम के रूप में पट्टे पर दिया गया और जिसे एक लोक बंधक भण्डागार माना गया जिसमें आयातित शुल्क योग्य कच्चे सामान को बिना ड्यूटी के भुगतान किये जमा किया जाना था। उक्त गोदाम अब ठीक अवस्था में न होने पर भण्डागार प्रबंधक ने उक्त

गोदाम को डीहयरिंग ( De-hiring ) करने तथा उसी कारखाने परिसर में 246 वर्ग मीटर क्षेत्र में कैंने तीन नये प्रस्तावित गोदामों में बदल का अनुरोध किया है । सीमा शुल्क अधिनियम, 1962 की धारा 57 में प्रवर्तन शक्तियों का प्रयोग करते हुए मैं एतद्वारा 246 वर्ग मीटर क्षेत्र में कैंने उक्त तीन गोदामों को जैसा कि अनुमोदित ग्राउंड प्लान में दिखाया गया है को उपर्युक्त उद्देश्य के लिए जोकि स्वतन्त्र बंधक भाण्डागार (मैसर्स जे. सी. टी. लिमिटेड, चौहाल के कारखाने परिसर में स्थित) के नाम से जाना जायेगा को विशिष्ट भाण्डागार क्षेत्र के रूप में घोषित करता हूं तथा पहले से विद्यमान 1080 वर्ग मीटर लम्बाई के गोदाम को डीहयरिंग ( De-hiring ) की अनुमति देता हूं । (जे. सी. टी. लिमिटेड, चौहाल और क्षेत्रीय प्रबंधक, भाण्डागार निगम, चण्डीगढ़ के मध्य हुए) उपर्युक्त अनुबंध के निबंधन और शर्तें हमेशा प्रभावी होंगी ।

विद्यमान अधिसूचना संख्या 2/96-सीमा दिनांक 17-7-96 उक्त सीमा तक संशोधित की जाती है ।

[सी. सं. iv (16) सी. डब्ल्यू. सी. /तक./41/2के 1760]

लाल सिंह, सहायक आयुक्त

## CENTRAL EXCISE DIVISION

Pathankot, the 13th March, 2001

### No. 1/2001-CUSTOMS

S.O. 1171.—Whereas the Assistant Commissioner, Central Excise division Pathankot had appointment 1080 SQMT area as the specified warehousing area known as Independent Public Bonded Warehouse (situated in the factory premises of M/s. JCT Ltd., Chohal, Hoshiarpur) which was leased on management basis to Central Warehousing Corporation as a godown as per their agreement dt. 17-04-96 between M/s. JCT Ltd., Chohal and Regional Manager, Central Warehousing Chandigarh to be a Public Bonded Warehouse wherein imported dutiable raw material was to be deposited without payment of duty, And the said godown not being in suitable condition now, the warehouse Manager having requested for de-hiring of the said godown and shifting to new proposed three godowns measuring 246 SQMT within the same factory premises, I, in exercise of the power conferred upon me by Section 57 of the Custom Act, 1962, hereby appoint the said three godowns

measuring 246 SQMT, as the specified warehousing area to be known as Independent Bonded warehouse (situated in the factory premises of M/s. JCT LTD., Chohal) as shown in the ground plan duly approved for the said purpose and allow de-hiring of the already existing godown measuring 1080 SQMT. All the terms and conditions of the aforesaid agreement (between JCT LTD., Chohal and Regional Manager Warehousing Corporation Chandigarh) shall remain in force all the times.

The existing notification No. 2/96-Customs dt. 17-07-96 is amended to the extent given above.

[C.No.IV(16)CWC|TECH|41|2K|1760]

LAL SINGH, Assistant Commissioner

शुद्धि पत्र

पठानकोट, 1 मई, 2001

का.प्रा. 1172:—इस कार्यालय के पत्र सम संख्या-1760 दिनांक 13-3-2001 के तहत जारी अधिसूचना संख्या 1/2001-सीमा दिनांक 2-3-2001 के संदर्भ में ।

सातवीं लाइन में शब्दों "आयातित शुल्क योग्य कच्चे सामान" को आयातित शुल्क योग्य कच्चे सामान, स्टोर्ज/एण्ड स्पेयर्स एण्ड कैपिटल गुड्स" शब्द पढ़ा जाये ।

लाइन 16 तथा 17 में शब्द "डीहयरिंग" को शब्द "डिनोटिफाई" पढ़ा जाये ।

[सी. सं. IV (16) सी. डब्ल्यू. सी. /जे. सी. टी. /तक./41/2के/2715-16]

लाल सिंह, सहायक आयुक्त

## CORRIGENDUM

Pathankot, the 1st May, 2001

S.O. 1172.—Reference Notification No. 1/2001-Customs dt. 02-03-2001 issued Vide this office even C. No. 1760 dt. 13-03-2001.

In the 7th line, for the Words "Imported duties raw material" the words "Imported dutiable raw materials Stores & Spares & Capital Goods" be read.

In the line No. 16 & 17, for the word "De-Hiring" for word "De-notify" be read.

[C.No.IV(16)CWC-JCT|TECH|41|2K|2715-16]

LAL SINGH, Assistant Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 18 मई, 2001

का.आ. 1173.—राष्ट्रीय कृषि एवं ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 6 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा निम्नलिखित व्यक्तियों को 18 मई, 2001 से तीन वर्षों की अवधि के लिए राष्ट्रीय कृषि एवं ग्रामीण विकास बैंक के निदेशक के रूप में नामित करता है।

1. स्वामी शंकरानन्द,  
सचिव, रामकृष्ण मिशन आश्रम, रांची  
राष्ट्रीय कृषि एवं ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उपधारा (2) के साथ पठित धारा 6 की उपधारा (1) के खंड (ख) के अनुसरण में।  
—तदेव—
2. श्री शंकरराव नारायण राव जोशी,  
न्यासी, कृषि विज्ञान केन्द्र, प्रवर इंस्टीट्यूट आफ रिसर्च एण्ड  
ऐजुकेशन इन नेचुरल एंड सोशल साइंस, लोनी जिला, अहमदनगर  
—तदेव—
3. डा. अमृता पटेल,  
अध्यक्ष, राष्ट्रीय दुग्ध विकास बोर्ड, आनन्द  
राष्ट्रीय कृषि एवं ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उपधारा (2) के साथ पठित धारा 6 की उपधारा (1) के खंड (ग) के अनुसरण में।  
—तदेव—
4. प्रो. विजय शंकर व्यास  
प्रोफेसर इमेरिटस, इंस्टीट्यूट आफ डेवलपमेंट स्टडीज जयपुर  
—तदेव—
5. कृषि सचिव, कृषि उत्पाद आयुक्त,  
तमिलनाडू सरकार चैन्ने  
राष्ट्रीय कृषि एवं ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उपधारा (2) के साथ पठित धारा 6 की उपधारा (1) के खंड (ङ) के अनुसरण में।  
—तदेव—
6. कृषि सचिव, कृषि उत्पाद आयुक्त असम सरकार दिसपुर  
—तदेव—

[फा. सं. 7/14/97-बी.ओ. I]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 18th May, 2001

S.O. 1173.—In exercise of the powers conferred by sub-section (1) of Section 6 of the National Bank for Agriculture and Rural Development Act, 1981, the Central Government, hereby nominates the following persons as directors of National Bank for Agriculture and Rural Development for a period of three years commencing on 18th May, 2001:—

1. Swami Shankarananda,  
Secretary, Ramakrishna Mission Ashram,  
Ranchi.  
In pursuance of clause (b) of sub-section (1) of Section 6 read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981.
2. Shri Shankarrao Narayanrao Joshi,  
Trustee, Krishi Vigyan Kendra,  
Pravara Institute of Research & Education in  
Natural and Social Science,  
Loni Distt. Ahmednagar  
-do-
3. Dr. Amrita Patel,  
Chairman, National Dairy Development Board,  
Anand  
In pursuance of clause (c) of sub-section (1) of Section 6 read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981.
4. Prof. Vijay Shankar Vyas,  
Professor Emeritus,  
Institute of Development Studies,  
Jaipur.  
-do-

5. Secretary Agriculture/Agriculture Production  
Commissioner, Tamilnadu Government,  
Chennai

In pursuance of clause (e) of sub-section (1) of Section 6 read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981.

6. Secretary Agriculture/Agriculture Production  
Commissioner, Government of Assam,  
Dispur

-do-

[F.No. 7/11/98-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 24 मई, 2001

का.आ. 1174.—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा निम्नांकित व्यक्तियों को भारतीय रिजर्व बैंक के पूर्वी क्षेत्र स्थानीय बोर्ड के सदस्य के रूप में 24 मई, 2001 से चार वर्षों की अवधि के लिए नियुक्त करती है :—

1. श्री पी.डी. चित्तलंगिया,  
उद्योगपति,  
शारदा प्लाईवुड इन्डस्ट्रीज लि., कलकत्ता
2. श्री ए. के. साकिया,  
सेवानिवृत्त आईएएस नोएडा,
3. श्री सोहन कानूंगो,  
सेवानिवृत्त, आई ए एस, कटक
4. श्रीमती किरन शर्मा,

रीडर, हिन्दी विभाग, पटना महिला महाविद्यालय, पटना।

2. भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (3) के उपबंधों के अनुसार, उपर्युक्त पैरा 1 में यथा उल्लिखित सदस्यों की नियुक्ति के परिणामस्वरूप, भारतीय रिजर्व बैंक के पूर्वी क्षेत्र स्थानीय बोर्ड के निम्नलिखित विद्यमान सदस्य 24 मई, 2001 से सदस्य नहीं रहेंगे।

1. डॉ. सुब्रतो गांगुली
2. डा. सुबीर चौधरी

[फा. सं. 7/6/98-बीओ-1(i)]

रमेश चन्द, अवर सचिव

New Delhi, the 24th May, 2001

S.O. 1174.—In exercise of the powers conferred by sub-section (1) of Section 9 of the Reserve Bank of India Act, 1934, the Central Government hereby appoints the following persons to be the members of the Eastern Area Local Board of the Reserve Bank

of India for a period of four years with effect from 24th May, 2001 :—

1. Shri P. D. Chittalangiya,  
Industrialist,  
Sarda Plywood Industries Ltd., Calcutta.
2. Shri A. K. Saikia,  
Retd., IAS, Noida.
3. Shri Sovan Kanungo,  
Retd., IAS, Cuttack.
4. Smt. Kiran Ghai,  
Reader, Department of Hindi,  
Patna Women's College,  
Patna.

2. In accordance with the provisions of sub-section (3) of Section 9 of the Reserve Bank of India Act, 1934, consequent to appointment of the members as mentioned in para 1 above, the following existing members of the Eastern Area Local Board of the Reserve Bank of India shall cease to be members with effect from 24th May, 2001 :—

1. Dr. Subrata Ganguly
2. Dr. Subir Chowdhury.

[F. No. 7/6/98-B.O.I(i)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 24 मई, 2001

का.आ. 1175.—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा निम्नलिखित व्यक्तियों को भारतीय रिजर्व बैंक के उत्तरी क्षेत्र स्थानीय बोर्ड के सदस्य के रूप में 24 मई, 2001 से चार वर्षों की अवधि के लिए नियुक्त करती है :—

1. श्री प्रेमनाथ खन्ना,  
चार्टर्ड एकाउन्टेन्ट  
मसर्स, पी.एन.खन्ना एण्ड कम्पनी, नई दिल्ली।
2. डा. रामनाथ,  
भूतपूर्व प्राध्यापक एवं उप कुलपति  
सी एस ए यूनिवर्सिटी आफ एग्रीकल्चर एवं टेक्नालॉजी  
कानपुर (कृषि एवं प्रौद्योगिकी सी एस ए विश्व विद्यालय  
कानपुर)।
3. श्री मीठा लाल मेहता  
भूतपूर्व मुख्य सचिव

## 4. डा. प्रीतम सिंह,

निदेशक, इन्डियन इन्स्टीट्यूट ऑफ मैनेजमेंट, लखनऊ ।

2. भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (3) के उपबंधों के अनुसार उपर्युक्त पैरा-1 में दया उल्लिखित सदस्यों की नियुक्ति के परिणाम स्वरूप, भारतीय रिजर्व बैंक के उत्तरी क्षेत्र स्थानीय बोर्ड के निम्नलिखित विद्यमान सदस्य 24 मई, 2001 से सदस्य नहीं रहेंगे ।

1. श्रीमती शोभना भारती
2. श्री बृज मोहन लाल
3. श्री डी. एच. पई पनाण्डिकर

[फा. सं. 7/6/98-बीओ I (ii)]  
रमेश चन्द, अधर सचिव

New Delhi, the 24th May, 2001

S.O. 1175.—In exercise of the powers conferred by sub-section (1) of Section 9 of the Reserve Bank of India Act, 1934, the Central Government hereby appoints the following persons to be the members of the Northern Area Local Board of the Reserve Bank of India for a period of four years with effect from 24th May, 2001 :—

1. Shri Prem Nath Khanna,  
Chartered Accountant,  
M/s. P. N. Khanna & Company,  
New Delhi.
2. Dr. Ram Nath,  
Ex-Professor & Vice Chancellor,  
CSA University of Agri. & Tech., Kanpur.
3. Shri Mitha Lal Mehta,  
Former Chief Secretary,  
Government of Rajasthan, Jaipur.
4. Dr. Pritam Singh,  
Director, Indian Institute of Management,  
Lucknow.

2. In accordance with the provisions of sub-section (3) of Section 9 of the Reserve Bank of India Act, 1934, consequent to appointment of the members as mentioned in para 1 above, the following existing members of the Northern Area Local Board of the Reserve Bank of India shall cease to be members with effect from 24th May, 2001 :—

1. Smt. Shobhana Bhartia
2. Shri Brij Mohan Lal
3. Shri D. H. Pai Panandikar.

[F. No. 7/6/98-B.O.I(ii)]  
RAMESH CHAND, Under Secy.

मई दिल्ली, 24 मई, 2001

का.प्र. 1176:—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित व्यक्तियों को भारतीय

रिजर्व बैंक के पश्चिमी क्षेत्र स्थानीय बोर्ड के सदस्य के रूप में 24 मई, 2001 से चार वर्षों की अवधि के लिए नियुक्त करती है:—

1. श्री के. वेंकटेशन,  
भूतपूर्व कार्यकारी निदेशक,  
एशियन डेवलपमेंट बैंक, मनीला ।
2. श्री दत्ताराज बी. सालगांवकर,  
प्रबंध निदेशक,  
बी. एम. सालगांवकर एंड ब्रदर्स लि.  
वास्को डी गामा, गोवा ।
3. श्री जयंती लाल बावजी भाई पटेल,  
उप-प्रधानाचार्य,  
एस. बी. गारदा महाविद्यालय,  
नवसारी (गुजरात) ।
4. प्रो. महेन्द्र सिंह सोधा,  
निदेशक,  
इंस्टीट्यूट ऑफ टेक्नोलॉजी एंड मैनेजमेंट, गुडगांव ।

2. भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (3) के उपबंधों के अनुसार, उपर्युक्त पैरा 1 में दया उल्लिखित सदस्यों की नियुक्ति के परिणामस्वरूप भारतीय रिजर्व बैंक के पश्चिमी क्षेत्र स्थानीय बोर्ड के निम्न लिखित विद्यमान सदस्य 24 मई, 2001 से सदस्य नहीं रहेंगे :—

1. डा. बकूल एच. डोलकिया
2. श्री प्रदीप पन्नालाल साह
3. डा. नीलकंठ ए. कल्याणी
4. श्री इन्द्र चन्द जैन

[फा. सं. 7/6/98-बीओ-I(iii)]  
रमेश चन्द, अधर सचिव

New Delhi, the 24th May, 2001

S.O. 1176.—In exercise of the powers conferred by sub-section (1) of Section 9 of the Reserve Bank of India Act, 1934, the Central Government hereby appoints the following persons to be the members of the Western Area Local Board of the Reserve Bank of India for a period of four years with effect from 24th May, 2001 :—

1. Shri K. Venkatesan,  
Former, Executive Director,  
Asian Development Bank, Manila.
2. Shri Dattaraj V. Salgaocar,  
Managing Director,  
V. M. Salgaocar & Bro. Ltd.,  
Vasco Da Gama, Goa.
3. Shri Jayanti Lal Bavjibhai Patel,  
Vice-Principal,  
S. B. Garda College,  
Navsari (Gujarat).
4. Prof. Mahendra Singh Sodha,  
Director,  
Institute of Technology and Management,  
Gurgaon.

2. In accordance with the provisions of sub-section (3) of Section 9 of the Reserve Bank of India Act, 1934, consequent to appointment of the members as mentioned in para 1 above, the following existing members of the Western Area Local Board of the Reserve Bank of India shall cease to be members with effect from 24th May, 2001 :—

1. Dr. Bakul H. Dholakia
2. Shri Pradip Pannalal Shah
3. Dr. Neelkanth A. Kalyani
4. Shri Inder Chand Jain.

[F. No. 7/6/98-B.O.I(iii)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 24 मई, 2001

का.आ. 1177:—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा निम्नलिखित व्यक्तियों को भारतीय रिजर्व बैंक के दक्षिणी क्षेत्र स्थानीय बोर्ड के सदस्य के रूप में 24 मई, 2001 से चार वर्षों की अवधि के लिए नियुक्त करती है :—

1. डा. अशोक कुमार लाहिरी,  
नेशनल इंस्टीट्यूट ऑफ पब्लिक फाइनेंस एण्ड पॉलिसी,  
नई दिल्ली
2. श्री नायर चेल्लापन परमेश्वरन,  
सेवा निवृत्त मुख्य सचिव, केरल सरकार  
त्रिवेन्द्रम
3. डा. एस. रामचन्द्र,  
निदेशक,  
इंस्टीट्यूट ऑफ फाइनेन्सियल मैनेजमेंट एण्ड रिसर्च, चैन्न।
4. डा. एम. गोविन्द राव,  
निदेशक  
इंस्टीट्यूट ऑफ सोशल एण्ड इकोनॉमिक रिसर्च,  
बंगलौर।

2. भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (3) के उपबंधों के अनुसार, उपर्युक्त पैरा 1 में यथा उल्लिखित सदस्यों की नियुक्ति के परिणामस्वरूप भारतीय रिजर्व बैंक के दक्षिणी क्षेत्र स्थानीय बोर्ड के निम्नलिखित विद्यमान सदस्य 24 मई, 2001 से सदस्य नहीं रहेंगे :—

1. श्री एन. शंकर
2. श्री डी.सीता रमैया

[फा. सं. 7/6/98-बी.ओ. I (iv)]

रमेश चन्द, अवर सचिव

New Delhi, the 24th May, 2001

S.O. 1177.—In exercise of the powers conferred by sub-section (1) of Section 9 of the Reserve Bank of India Act, 1934, the Central Government hereby appoints the following persons to be the members of the Southern Area Local Board of the Reserve Bank

of India for a period of four years with effect from 24th May, 2001 :—

1. Dr. Ashok Kumar Lahiri,  
National Institute of Public Finance and Policy, New Delhi.
2. Shri Nair Chellappan Parameswaran,  
Retd. Chief Secretary to Government of Kerala, Trivandrum.
3. Dr. S. Ramachander,  
Director,  
Institute for Financial Management and Research, Chennai.
4. Dr. M. Govinda Rao,  
Director,  
Institute for Social and Economic Change,  
Bangalore.

2. In accordance with the provisions of sub-section (3) of Section 9 of the Reserve Bank of India Act, 1934, consequent to appointment of the members as mentioned in para 1 above, the following existing members of the Southern Area Local Board of the Reserve Bank of India shall cease to be members with effect from 24th May, 2001 :—

1. Shri N. Sankar
2. Shri D. Sectharamaiah.

[F. No. 7/6/98-B.O.I(iv)]

RAMESH CHAND, Under Secy.

भारी उद्योग एवं लोक उद्यम मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 25 अप्रैल, 2001

का.आ. 1178.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, निम्नलिखित कार्यालय को, जिसके 80% कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

हिन्दुस्तान पेपर कारपोरेशन लिमिटेड

(भारत सरकार का एक उद्यम)

75-सी, पार्क स्ट्रीट, कोलकाता-700016

[संख्या ई-11012/1/2001-हिन्दी]

बी. एस. नेगी, अवर सचिव

MINISTRY OF HEAVY INDUSTRY AND  
PUBLIC ENTERPRISES

(Department of Heavy Industry)

New Delhi, the 25th April, 2001

S.O. 1178.—In pursuance of sub-rule (4) of the Official Language (Use for official purposes of the union) Rules, 1976, the Central Government hereby notifies the following

office where of 80% staff have acquired the working knowledge of Hindi :—

Hindustan Paper Corporation Ltd.,  
(A Govt. of India Enterprise)  
75-C, Park street, Kolkata-700016.

[No. E. 11012/1/2001-Hindi]

B. S. NEGLI, Under Secy.

विदेश मंत्रालय

(सी पी डी. प्रभाग)

नई दिल्ली, 18 मई, 2001

का.आ. 1179.—राजनयिक कौंसली अधिकारी (गणप एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण से केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलावास जंजीबार में श्री गणशिकान्त मेश्राम सहायक को 18-05-2001 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/2001]

योगेश नारंग, उप सचिव (कान्सुलर)

## MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 18th May, 2001

S.O. 1179.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Shashikant Meshram, Assistant in the Consulate General of India, Zanzibar to perform the duties of Assistant Consular Officer with effect from 18-05-2001.

[No. T. 4330/1/2001]

Y. C. NARANG, Dy. Secy. (Cons.)

नई दिल्ली, 18 मई, 2001

का.आ. 1180.—राजनयिक कौंसली अधिकारी (गणप एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलावास वसिंधम में श्री बी.पी. पुरोहित, सहायक को 18-5-2001 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/2001]

योगेश नारंग, उप सचिव (कान्सुलर)

New Delhi, the 18th May, 2001

S.O. 1180.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government

hereby authorises Shri B. P. Purohit, Assistant in the Consulate General of India, Birmingham to perform the duties of Assistant Consular Officer with effect from 18-05-2001.

[No. T. 4330/1/2001]

Y. C. NARANG, Dy. Secy. (Cons.)

मानव संसाधन विकास मंत्रालय

(माध्यमिक और उच्चतर शिक्षा विभाग)

नई दिल्ली, 11 मई, 2001

का.आ. 1181.—केन्द्रीय सरकार, राजभाषा नियम (सघ के शासकीय प्रयोजनों के लिए प्रयोग) 1976 के नियम 10 के उप नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय के अन्तर्गत माध्यमिक और उच्चतर शिक्षा विभाग जिसके 80% से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. 11011/9/2001—रा.भा. ए.]

डी.पी. बन्दूनी, निदेशक (रा.भा.)

## MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Secondary and Higher Education)

New Delhi, the 11th May, 2001

S.O. 1181.—In pursuance of sub rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Govt. hereby notifies of the Deptt. of Secondary and Higher Education under the Ministry of Human Resource Development more than 80 per cent staff of which has acquired working knowledge of Hindi.

[No. 11011/9/2001-O.L.U.]

D. P. BANDOONI, Director (O.L.)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

आदेश

नई दिल्ली, 22 मई, 2001

का.आ. 1182.—लदन विश्वविद्यालय द्वारा प्रदत्त आयुर्विज्ञान अर्हता एम.बी.बी.एस. भारतीय आयुर्विज्ञान परिषद् अधिनियम 56 (1956 का 102) के प्रयोजन के लिए उक्त अधिनियम, की धारा 14 के अधीन एक मान्यता प्राप्त आयुर्विज्ञान अर्हता है;

और डा. अनसुया ग्रेनफेल जिनके पास उक्त अर्हता है पूर्व कार्य के प्रयोजन के लिए और न कि निजी लाभ के लिए दिल्ली कामनवेल्थ विमेन्स एसोसिएशन मेडिकल सेंटर जमरूदपुर, कैलाश कालोनी एक्सटेंशन, नई दिल्ली से संलग्न है;



अतः अब उक्त अधिनियम की धारा 14 की उपधारा (1) के खंड (ग) के अनुसरण में केन्द्र सरकार एतद्वारा यह विनिर्दिष्ट करती है कि भारत में डा. अनसुया ग्रेनफेल द्वारा चिकित्सा व्यवसाय की अवधि

(क) इस आदेश के जारी होने की तारीख से एक वर्ष की अवधि तक; अथवा

(ख) उस अवधि तक जिसके दौरान डा. अनसुया ग्रेनफेल विल्ली कामनवेलथ विमेन्स एसोसिएशन मेडिकल सेंटर जमरुदपुर, कैलाश कालोनी एक्सटेंशन, नई दिल्ली से संलग्न रहती है, जो भी लघुतर हो; परिसीमित होगी

[संख्या बी. 11016/1/2001-एमई (यूजी)]

पी. जी. कलाधरन, अवर सचिव

## MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

### ORDER

New Delhi, the 22nd May, 2001

S.O. 1182.—Whereas medical qualification M.B.B.S. granted by University of London is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Anasuya Grenfell who possess the said qualification is attached to Delhi Commonwealth Women's Association, Medical Centre, Zamrudpur, Kailash Colony Extension, New Delhi for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Anasuya Grenfell in India shall be limited to :—

- (a) a period of one year from the date of issue of this order, or
- (b) the period during which Dr. Anasuya Grenfell is attached to Delhi Commonwealth Women's Association, Medical Centre, Zamrudpur, Kailash Colony Extension, New Delhi, whichever is shorter.

[No. V-11016/1/2001-ME(UG)]  
P. G. KALADHARAN, Under Secy.

आदेश

नई दिल्ली, 22 मई, 2001

का.आ. 1183.—सिलोन विषयविद्यालय, श्रीलंका द्वारा प्रदत्त आयुर्विज्ञान अर्हता एम.बी.बी.एस. भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त आयुर्विज्ञान अर्हता है;

और डा. क्युमरास्वामी कृष्णादासन, जिनके पास उक्त अर्हता है, पूर्ण कार्य के प्रयोजन के लिए और न कि निजी लाभ के लिए श्री सत्य साई इन्स्टीट्यूट आफ हायर मेडिकल साइंसेज, प्रशान्तिग्राम, जिला अनंतपुर (आंध्र प्रदेश) से संलग्न है;

अतः अब उक्त अधिनियम की धारा 14 की उपधारा (1) के खंड (ग) के अनुसरण में केन्द्र सरकार एतद्वारा यह विनिर्दिष्ट करती है कि भारत में डा. क्युमरास्वामी कृष्णादासन द्वारा चिकित्सा व्यवसाय की अवधि

(क) इस आदेश के जारी होने की तारीख से एक वर्ष की अवधि तक; अथवा

(ख) उस अवधि तक जिसके दौरान डा. क्युमरास्वामी कृष्णादासन ; सत्य साई इन्स्टीट्यूट आफ हायर मेडिकल साइंसेज, प्रशान्तिग्राम, जिला अनंतपुर (आंध्र प्रदेश) से संलग्न रहते हैं, जो भी लघुतर हो; परिसीमित होगी ।

[संख्या बी. 11016/1/2001-एम ई (यूजी)]

पी. जी. कलाधरन, अवर सचिव

New Delhi, the 22nd May, 2001

S.O. 1183.—Whereas medical qualification M.B.B.S. granted by University of Cylone, Srilanka is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Cumaraswamy Krishnadasan who possess the said qualification is attached to Sri Sathya Sai Institute of Higher Medical Sciences, Prashantigram, Anantpur Dist. (Andhra Pradesh) for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Cumaraswamy Krishnadasan in India shall be limited to :—

- (a) a period of one year from the date of issue of this order, or
- (b) the period during which Dr. Cumaraswamy Krishnadasan is

attached to the Sri Sathya Sai Institute of Higher Medical Sciences, Prashantigram, Anantpur Dist (Andhra Pradesh), whichever is shorter.

[No. V-11016|1|2001-ME(UG)]

P. G. KALADHARAN, Under Secy.

रसायन एवं उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 15 मई, 2001

का.आ.1184.—केन्द्रीय सरकार, राजभाषा “संघ के शासकीय प्रयोजनों के लिए प्रयोग” नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में रसायन एवं उर्वरक मंत्रालय, उर्वरक विभाग प्रशासनिक नियंत्रण में आने वाले निम्नलिखित कार्यालयों को जिसके 80 प्रतिशत से अधिक अर्थात् 100 प्रतिशत कर्मचारी-बुन्ध ने हिन्दी का कार्यसाधक ज्ञान प्राप्त किया है, अधिसूचित करती है :

1. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि. मंडल कार्यालय, (पूर्व), कोलकाता
2. प्रोजेक्ट एण्ड डेवलपमेंट इंडिया लिमिटेड, सिन्दरी कार्यालय, धनबाद, बिहार
3. नेशनल फर्टिलाइजर्स लिमिटेड, रायपुर, छत्तीसगढ़
4. नेशनल फर्टिलाइजर्स लिमिटेड, पुणे, महाराष्ट्र
5. नेशनल फर्टिलाइजर्स लिमिटेड, भोपाल, आंचलिक कार्यालय मध्य प्रदेश
6. नेशनल फर्टिलाइजर्स लिमिटेड ग्वालियर मध्य प्रदेश
7. नेशनल फर्टिलाइजर्स लिमिटेड, इंदौर, मध्य प्रदेश
8. नेशनल फर्टिलाइजर्स लिमिटेड, बिलासपुर, मध्य प्रदेश
9. नेशनल फर्टिलाइजर्स लिमिटेड, जबलपुर, मध्य प्रदेश
10. नेशनल फर्टिलाइजर्स लिमिटेड, उज्जैन, मध्य प्रदेश
11. नेशनल फर्टिलाइजर्स लिमिटेड, भोपाल, क्षेत्रीय कार्यालय मध्य प्रदेश
12. नेशनल फर्टिलाइजर्स लिमिटेड, सतना, मध्य प्रदेश
13. नेशनल फर्टिलाइजर्स लिमिटेड, बिजयपुर, विपणन कार्यालय, (डीएनसी) मध्य प्रदेश

[संख्या ई-11011/1/2001-हिन्दी]

ए. भट्टाचार्य, उप सचिव

## MINISTRY OF CHEMICALS & FERTILIZERS

(Department of Fertilizers)

New Delhi, the 15th May, 2001

S.O. 1184.—In pursuance of sub-rule (4) of the Rule 10 of the Official Language “Use for official purposes of the Union” Rule 1976 the Central Govt. hereby notifies the following offices, under the Administrative Control of Ministry of Chemicals & Fertilizers, Department of Fertilizers, more than 80 per cent i.e. 100 per cent staff where of have acquired the working knowledge of Hindi.

1. Indian Farmers Fertilizers Cooperative Ltd. Regional Office (East) Kolkata
2. Projects & Development India Limited. Sindri Office, Dhanbad, Bihar
3. National Fertilizers Limited, Raipur, Chattisgarh
4. National Fertilizers Limited, Pune, Maharashtra
5. National Fertilizers Limited Bhopal, Zonal, Office Madhya Pradesh
6. National Fertilizers Limited Gwalior, Madhya Pradesh
7. National Fertilizers Limited, Indore, Madhya Pradesh
8. National Fertilizers Limited, Bilaspur, Madhya Pradesh
9. National Fertilizers Limited, Jabalpur, Madhya Pradesh
10. National Fertilizers Limited, Ujjain, Madhya Pradesh
11. National Fertilizers Limited, Bhopal. Regional Office, Madhya Pradesh
12. National Fertilizers Limited, Satna, Madhya Pradesh
13. National Fertilizers Limited, Vijaypur, Marketing Office (DNC), Madhya Pradesh.

[No. E-11011|1|2001-Hindi]

A. BHATTACHARYA, Dy. Secy.

## वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

आदेश

नई दिल्ली, 14 मई, 2001

का.आ. 1185.—केन्द्रीय सरकार की नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह राय है कि भारत के निर्यात-व्यापार के लिए ऐसा करना आवश्यक और समीचीन है कि जीवित केकड़े, लाबस्टर और मछलियों का निर्यात में पूर्व क्वालिटी नियंत्रण और निरीक्षण होना चाहिए ;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार नियति निरीक्षण परिषद् को भेज दिया है ;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम के अनुसरण में उक्त प्रस्तावों को ऐसे लोगों की जानकारी के लिये प्रकाशित करती है जिसके उनसे प्रभावित होने की संभावना है

2. यह सूचना दी जाती है कि कोई व्यक्ति जो उक्त प्रस्तावों के संबंध में कोई आक्षेप और सुझाव देना चाहता है तो वह उन्हें इस आदेश के राजपत्र में, प्रकाशन की तारीख से 30 दिनों के भीतर निर्यात निरीक्षण परिषद्, 11 वीं मंजिल, प्रगति टावर, 26 राजेन्द्रा प्लेस, नई दिल्ली-110008 को भेज सकता है।

## प्रस्ताव

(1) यह अधिसूचना करना कि इन जीवित केकड़े, लाबस्टर और मछलियों को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण होगा,

(2) क्वालिटी नियंत्रण और निरीक्षण के प्रकार को निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 2001 उपाबंधक के प्रारूप के अनुसार ऐसे निरीक्षण के प्रकार को इस रूप में विनिर्दिष्ट करना जो ऐसे जीवित केकड़े, लाबस्टर और मछलियों को निर्यात से पूर्व लागू होगा ;

(3) इस आदेश से संलग्न अनुसूची-1 में उपर्युक्त विनिर्देशों को, ऐसे जीवित केकड़े, लाबस्टर और मछलियों के लिए मानक विनिर्देशों के रूप में मान्यता देना, और

(4) अंतर्राष्ट्रीय व्यापार के दौरान ऐसे जीवित केकड़े, लाबस्टर और मछलियों के निर्यात को तब तक प्रतिषिद्ध करना जब तक कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के प्रयोजन के लिए मुम्बई, कोलकाता, कोचीन, दिल्ली और चैन्नई में स्थापित निर्यात निरीक्षण अभिकरणों द्वारा जारी किया गया इस भाव का प्रमाण-पत्र इसके साथ न लगा हो कि जीवित केकड़े, लाबस्टर और मछलियां निर्यात योग्य है।

3. इस आदेश की कोई भी बात भावी श्रेताओं को, भू मार्ग, जल मार्ग और वायु मार्ग द्वारा जीवित केकड़े, लाबस्टर और मछलियों के उन सद्भावी नमूनों के नियति पर लागू नहीं होगी जिससे उसकी कीमत समय-समय पर एकजीम योजना में अधिकृत अनुज्ञेय सीमाओं से अधिक न हो और जहाँ ऐसे उपाबंध नहीं है वहाँ इन स्वतंत्र नमूनों का मूल्य रु. 500/- (रुपए पांच सौ केवल) से अधिक नहीं होगा ;

4. इस आदेश के प्रयोजनों के लिये "जीवित मछलियों" से ऐसे सभी समुद्र जल और ताजा जल जानवर, बीज, केकड़े, लाबस्टर और मछलियां रहती है वह अभिप्रेत है,

अनुसूची—1

[इस प्रस्ताव के लिये पैरा (3) देखें]

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 की धारा 6 के अनुसार जीवित केकड़े, लाबस्टर और मछलियों के विनिर्देश निम्नलिखित होंगे,

- (क) आयात करने वाले देशों के राष्ट्रीय मानक, या
- (ख) विदेशी श्रेता और निर्यातकों के बीच करार पाए गए संविदाजात विनिर्देश परन्तु यह तब जब कि वे आयात करने वाले देश की स्वास्थ्य और अन्य अपेक्षा का समाधान करते हैं।
- (ग) किसी जीवित केकड़े, लाबस्टर और मछलियां किसी मामले में जिसके लिए ऊपर (क) और (ख) मानक उपलब्ध न हों तो निम्नलिखित सदस्यों से मिलकर बनने वाली विशेषज्ञ समिति द्वारा बनाए गए मानक लागू किए जायेंगे।

—निर्यात निरीक्षण अभिकरण के प्रतिनिधि (अध्यक्ष)

—समुद्री उत्पाद निर्यात विकास, प्राधिकरण के प्रतिनिधि

—भारतीय समुद्री खाद्य निर्यातकर्ता संगम के प्रतिनिधि,

—केन्द्रीय मत्स्य प्रौद्योगिकी संस्थान के प्रतिनिधि,

—केन्द्रीय समुद्री मत्स्य अनुसंधान संस्था के प्रतिनिधि,

केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है :—

अनुसूची "क"

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम जीवित केकड़े, लाबस्टर और मछलियों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम 2001 है ,

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ,

2. परिभाषाएं :—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो —

- (1) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है ;

- (2) "अभिकरण" से अधिनियम की धारा-7 के अधीन मुम्बई, कोलकाता, कोचीन, दिल्ली और चैन्नई में स्थापित अभिकरण अभिप्रेत है ;
- (3) "परिषद्" से अधिनियम की धारा-3 के अधीन स्थापित निर्यात निरीक्षण परिषद् अभिप्रेत है ;
- (4) "जीवित केकड़े, लाबस्टर और मछलियाँ" से लाबस्टर और मछलियाँ शीर्ष के अधीन व्यापार की कोई किस्म अभिप्रेत है ।

3. क्वालिटी नियंत्रण और निरीक्षण :—आयात के लिए आमंत्रित जीवित केकड़े, लाबस्टर और मछलियों का क्वालिटी नियंत्रण इस बाट को ध्यान में रखते हुए किया जाएगा कि वह उपाबंध-I और उपाबंध-II में उल्लिखित अपेक्षाओं को प्रभावी करते हुए अधिनियम की धारा-6 के अनुरूप है ।

(1) निरीक्षण की प्रक्रिया :—(1) जीवित केकड़े, लाबस्टर और मछलियों का निर्यात करने का इच्छुक निर्यातकर्ता अपना आवेदन अभिकरण के निकटतम कार्यालय में पेश करेगा जिसमें निर्यात के लिए आशयित परेषण की विशिष्टता दी जाएगी जिससे कि ऐसे परेषण को परीक्षण के योग्य बनाया जा सके या उसका परीक्षण कराएगा और यह भी देखेगा कि यह नियम 3 में निर्दिष्ट विनिर्देशों के अनुरूप है ;

(2) उप नियम (1) के अधीन प्रत्येक आवेदन पोत में लदान के लिए निर्यातकर्ता के परिसर में परेषण को भेजे जाने की संभावित तारीख से 5 दिन से अन्यून पूर्व किया जाएगा ;

(3) उप नियम (2) निर्दिष्ट आवेदन की प्राप्ति पर अभिकरण जीवित केकड़े, लाबस्टर और मछलियों के परेषण का परिषद् द्वारा इस निमित्त जारी किए गए अनु-देशों के अनुसार यह ध्यान में रखते हुए निरीक्षण करेंगी कि वे अधिनियम की धारा 6 की अनुसूची I के अधीन मान्यता प्राप्त या निर्यात संविदा में नियत विनिर्देशों की अपेक्षाओं को पूरा करते हैं ;

(4) ऐसे निरीक्षण को करने के लिए निर्यातकर्ता अभिकरण को सभी आवश्यक सुविधाएं उपलब्ध कराएगा ।

5. प्रमाणीकरण :—(1) यदि परेषणों के निरीक्षण के पश्चात् अभिकरण का यह समाधान हो जाता है कि यह अधिनियम की धारा 6 की अनुसूची-I में मान्यता प्राप्त है या निर्यात संविदा में नियत विनिर्देशों के अनुरूप है और इन नियमों के अनुसार पैक और चिन्हीत किया गया है निरीक्षण की तारीख से तीन दिन के भीतर यह प्रमाण-पत्र जारी किया जाएगा, जिसमें यह घोषणा की जाएगी कि परेषण निर्यात योग्य है ।

(2) जहां अभिकरण का इस प्रकार समाधान नहीं होता है तो यह उक्त तीन दिन की अवधि के भीतर प्रमाण-पत्र जारी करने से इंकार कर देगा । इस प्रकार के इंकार को निर्यातकर्ता को कारणों सहित सूचित कर देगा ।

6. निर्यात के लिए पैकिंग और चिन्हांकन :—(1) जीवित केकड़े, लाबस्टर और मछलियों को निर्यात संविदा, यथा विनिर्दिष्ट रूप में पैक किया जाएगा ;

(2) प्रत्येक परेषण को ना उड़ने वाली स्याही से चिन्हांकित किया जाएगा या लेबल लगाया जाएगा जिससे निम्नलिखित विशिष्टियां होगी, अर्थात् :—

- (क) सामग्री का नाम और प्रकार ;
- (ख) अंतर्वस्तु का शुद्ध भार और पैकेजिंग का सकल भार ;
- (ग) पोत लदान चिन्ह, और
- (घ) गंतव्य पत्तन ।

7. निरीक्षण का स्थान :—(1) इन नियमों के प्रयोजन के लिए निर्यातकर्ता के परिसर का निरीक्षण किया जाएगा जिसमें प्रकाश की अच्छी व्यवस्था और स्वच्छता और स्वास्थ्यकर शर्तों का पालन होगा तथा भार करने पैकिंग और निरीक्षण की आवश्यक सुविधाएं होंगी ।

(2) इसके उपनियम (1) में निर्दिष्ट परिसरों के निरीक्षण के अतिरिक्त अभिकरण को स्थानापन्न में प्रेषण में या पत्तन पर पुनः परेषण की क्वालिटी का निर्धारण का अधिकार होगा जो इन नियमों प्रयोजनों को कार्यान्वित करने के लिए आवश्यक हों ;

(3) परेषण के आदेश की अनुसूची-I के अनुरूप या उप नियम (2) में निर्दिष्ट किन्हीं प्रक्रमों में से किसी प्रक्रम पर निर्यात संविदा में नियत के अनुसार नहीं पाया जाता है तो नियम 5 के अधीन जारी किया गता प्रमाण-पत्र को वापस ले लिया जाएगा ।

8. निरीक्षण शुल्क :—कुल प्रेषण के एफ. ओ. बी. मूल्य का 0.4 प्रतिशत प्रति प्रेषण कम से कम 500/- (रुपए पांच सौ केवल) के अधीन रहते हुए अभिकरण को संदाय किया जाएगा ।

9. अपील :—(1) नियम 5 के अधीन अभिकरण द्वारा प्रमाण-पत्र जारी करने से इंकार से व्यथित निर्यातकर्ता इस प्रकार इंकार करने की सूचना की प्राप्ति के दो दिन के भीतर विशेषज्ञों के पैनल को जो केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त किए गए हैं अपील कर सकेगा जिसमें 3 से अन्यून सात से अधिक व्यक्ति होंगे ।

(2) विशेषज्ञों के पैनल में कुल सदस्यों में से दो तिहाई सदस्य गैर सरकारी होंगे ।

(3) पैनल की गणपूर्ति तीन सदस्यों से होगी ।

(4) प्राप्ति के 15 दिन के भीतर अपील का निपटारा किया जाएगा ;

(5) ऐसी अपील में पैनल का विनिश्चय अंतिम होगा ।

[फा./सं./6/4/2000-ई आई/एण्ड/ई/पी]

पी. के. दास, निदेशक

## उपाबन्ध -I

उताराई के दौरान उसके पश्चात् की अपेक्षाएं

1. उतारने और उताराई के उपस्कर ऐसी सामग्री के बने होने चाहिए जिनके साफ करने और विसंक्रमित करना आसान हो तथा उन्हें मरम्मत और स्वच्छता की अच्छी हालत में रखा जाना चाहिए ।

2. उतारने और उताराई के दौरान जीवित केकड़े, लोबस्टर और मछलियों को संदूषित होने से बचाना चाहिए । विशेषतया निम्नलिखित को सुनिश्चित किया जाना चाहिए ।

2.1 उतारने और उताराई के कार्य का शीघ्रता से होना

2.2 मर्दों की प्रकृति के आधार पर जीवित केकड़े और लोबस्टर को अपेक्षित तापमान पर किसी सुरक्षित पर्यावरण में अनावश्यक विलंब के बिना रखा जाना चाहिए और जहां आवश्यक हो बर्फ में, पर्यावरण में, भंडारण में या किसी स्थापन में रखा जाना चाहिए ।

2.3 उपस्कर और जहां से कार्य करने का अभ्यास होना जिससे जीवित मछलियों को अनावश्यक क्षति न हो ।

3. नीलामी के भाग या थोक विक्रय के बाजार जहां जीवित मछलियां विक्रय के लिए रखी जाती हैं

3.1 ठके होने चाहिए और ऐसी दीवार होनी चाहिए जिन्हें साफ करना आसान हो ;

3.2 कर्ष जलरोधी होना चाहिए जिसे धोना और विसंक्रमित करना आसान हो तथा जिसे इस तरह से रखा जा सके कि जल की निष्कृषी को सुकर बनाया जा सके और एक स्वच्छ बेकार के जल के व्ययन की प्रणाली होनी चाहिए ;

3.3 उसमें स्वच्छता सुविधाएं लगी हो और उसमें वाश बेसिन और कम से कम लेबाटरी उपयुक्त संख्या में लगी हों । वाश बेसिन पर हथौड़ा लगाकरने की सामग्री होगी और तोलिमा एकल रूप से उपयोग करने के लिए होंगे ।

3.4 जीवित मछलियों के निरीक्षण को सुकर बनाने के लिए उचित रूप से प्रकाशमान होंगे ।

3.5 जब उनका प्रदर्शन या मछलियों के उत्पादों के भंडारण के लिए उपयोग किया जाता है न कि अन्य प्रयोजनों के लिए, धूम्रानिष्कासित करने वालों यानों का जो जीवित मछलियों का बाजार में प्रवेश नहीं करने दिया जाएगा ; अव्यक्त पशुओं को भी नहीं आने दिया जाना चाहिए ;

3.6 नियोजित रूप से और कम से कम प्रत्येक विक्रय के पश्चात् साफ किया जाना चाहिए ; प्रत्येक विक्रय के पश्चात् क्रेट्स साफ किया जाएगा और अंदर और बाहर से पेय जल या स्वच्छ समुद्री जल से धोये जाएंगे जहां अपेक्षित हो उन्हें विसंक्रमित किया जाना चाहिए ;

3.7 किसी प्रमुख स्थापन पर धूम्रानि, धूँकना और पीने को निषेध करने के संकेत प्रदर्शित किया जाना चाहिए ;

3.8 पर्याप्त जल पूर्ति उपबन्ध कराने की सुविधाएं होनी चाहिए ;

3.9 जीवित मछलियों के संक्षण प्रतिरोधक सामग्रियों के बने हुए विशेष जलरोधी पात्र होने चाहिए जो मानव उपभोग के लिए उपयुक्त न हो ;

4. उताराई के पश्चात् या जहां समुचित हो पहले विक्रय के पश्चात् जीवित मछली का किसी समुचित तापमान पर विलंब के बिना परिवहन किया जाना चाहिए ।

5. उपाबन्ध 2 के खंड 2 में अधिकथित स्वच्छता की सामान्य शर्तें, 2.1.1 के अपवादों सहित, अन्य उपातरणों सहित बाजारों को लागू होंगी जिनमें जीवित मछली विक्रय के लिए रखी जाती हैं ।

6. थोक विक्रय के बाजारों में जहां जीवित मछली विक्रय के लिए रखी जाती हैं इस उपाबन्ध के बिंदु 3 और 5 में अधिकथित वे सभी शर्तें और जो उपाबन्ध 2 के खंड 1 के बिंदु 2, 11, 12 में उपवर्णित हैं, लागू होंगी ।

7. उपाबन्ध 2 के खंड 2 में अधिकथित स्वच्छता की साधारण शर्तें थोक विक्रय बाजारों को अन्य उपातरणों सहित लागू होंगी ।

## उपाबन्ध 2

परिसर भवन और उपस्कर से संबंधित साधारण शर्तें

1. परिसर और भवन

1.1 प्रसंस्करण क्षेत्रों के पहुँच मार्ग धूल आंधी से बचने के लिए कंकरीट या तारकोल या टर्फ से बने हुए होंगे ।

1.2 स्थापन को स्याई प्रकृति के भवन में रखा जाएगा जिसमें वातावरण के संकेत जैसे ताप, हवा आंधी और बरसात से बचने के लिए पर्याप्त स्वच्छ शर्तों के अधीन कार्य को करने के लिए पर्याप्त आकार के होंगे । उनके डिजाइन और अभिन्यास ऐसे होंगे जो जीवित मछलियों के संदूषण को निवारित कर सकें । भवन के स्वच्छ और संदूषित भाग समुचित रूप से पृथक होंगे ।

1.3 खाद्य सामग्री को रखने के क्षेत्र उस क्षेत्र से पर्याप्त रूप से पृथक होंगे जो आवासिक प्रयोजन के लिए प्रयोग किया जाता है ।

1.4 भिन्न-भिन्न खंडों के अभिन्यास इस प्रकार के होंगे जिससे संभावित प्राप्ति संदूषण को निवारित करने के लिए एक समान और अनुक्रम में करने को सुकर बनाए जा सकें ।

1.5 पर्याप्त प्राकृतिक और कृत्रिम प्रकाश की व्यवस्था होगी । बल्ब और ट्यूबों को संक्षरित रूप से आच्छादित रखा जाना चाहिए ।

1.6 स्वच्छ वायु उपलब्ध कराने के लिए प्राकृतिक और यांत्रिक वातन प्रणाली के लिए पर्याप्त सुविधाएं होंगी और जहां क्षेत्र को अच्छी भाप और जलवाष्प निष्कर्षण सुविधाएं उपलब्ध कराई जाएंगी वातन मुखों में में उद्गरोधी व्यवस्था उपलब्ध कराई जाएगी ।

## 2. मच्छी रोधी पीड़क जंतु और पशु नियंत्रण

2.1 ऐसे क्षेत्रों में, जिनमें जीवित मछलियां प्राप्त करना और भंडारण करने वाले क्षेत्र सम्मिलित है प्रभावी मच्छी-रोधी व्यवस्था उपलब्ध कराई जाएगी। प्रसंस्करण क्षेत्र, में कीटों, कृन्तकों, पक्षियों और पशुओं के प्रवेश को निवारित करने के लिए समुचित कदम उठाए जाएंगे।

## 3. प्रभावित क्षेत्र

3.1 जीवित मछली प्राप्त करने के क्षेत्र में जीवित मछलियों को ले जाने से पूर्व उतराई के लिए एक उठा हुआ प्लेटफार्म होगा। इस प्लेटफार्म के पास और ऊपर के भाग बाह्य संदूषण से पर्याप्त रूप में संरक्षित होगा।

3.2 वह क्षेत्र जिसमें मछली प्राप्त की जाती है और भंडारित की जाती है उस क्षेत्र से इस प्रकार वृष्ण होगी जिसमें इसे पैक किया जाता है, जिससे कि संदूषण को निवारित किया जा सके।

## 4. कार्य के कर्मों की छत और फर्श

4.1 जीवित मछली को रखने के क्षेत्र का फर्श जल-रोधी, साफ करने विसंक्रमित करने के लिए आसान हो और इस तरह से बनाया जाएगा कि जल की निकासी को सुकर बनाने के लिए आसान हो या जल को हटाने के उपस्कर की व्यवस्था की जाएगी। फर्श पर कोई जल खड़ा नहीं होने दिया जाएगा।

4.2 बाह्य सामग्री रखने के क्षेत्र की भीतरी दीवारें मजबूत और उनकी सतह चिकनी होगी जिससे कि उनकी सफाई करने में आसानी हो तथा वे दरारों से मुक्त, असरोधी और हल्के रंग की होगी।

4.3 दीवारों पर प्रक्षेपों से मुक्त होगी तथा सभी पाइप और केबलों की स्वच्छता से ठीक किया जाएगा।

4.4 दीवार से दीवार तक और दीवार से फर्श तक के जोड़ इस प्रकार के होंगे जिससे कि उनकी सफाई को सुकर बनाया जा सके।

4.5 छत दरारों और खुले जोड़ों से मुक्त होगी तथा चिकनी असरोधी और हल्के रंग की होगी तथा जिस को साफ करना आसान हो।

4.6 सभी दरवाजे और खिड़कियां मजबूत होगी और संक्षारण रोधी सामग्री की बनी होनी चाहिए तथा अपने आप बंद हो जाने वाले प्रकार के होने चाहिए और धूल-रोधी व्यवस्था सहित साफ करने में आसान होना चाहिए।

4.7 सभी खिड़कियों की दहली अंदर की और खुकी हुई होगी।

4.8 सामग्री रखने वाले क्षेत्र में घुसने वाले सभी स्थानों में पैरों को धोने वाले गड्ढों की व्यवस्था होगी जिन्हें बराबर के अंतराल पर समुचित रूप में बदला जाएगा।

4.9 सामग्री रखने वाले क्षेत्र में घुसने वाले सभी स्थानों में हाथों की सफाई और विसंक्रमण करने की पर्याप्त सुविधाएं होंगी।

4.10 उपकरण और कार्यकरण उपस्कर जैसे मेज, आधान और अन्य बर्तनों चिकने संक्षारण रोधी सामग्री के बने होंगे जिनको साफ और विसंक्रमित करना आसान होगा।

4.11 अखाद्य सामग्री के लिए प्रयोग किए जाने वाले बर्तन संदूषित सामग्री के किसी विनिर्दिष्ट चिह्न या रंग या आकार के पहचान की जाएगी और उसका जीवित मछली को रखने के लिए प्रयोग नहीं किया जाएगा। कार्यकरण क्षेत्र से अपशिष्ट को बार-बार हटाने के लिए प्रयाप्त अपशिष्ट पात्रों को व्यवस्था होगी। स्वच्छता की साधारण शर्तें

1. परिसरों और उपस्करों को लागू स्वच्छता की अन्य शर्तें;

1.1 फर्श, दीवार और विभाजन, छतें या छतों के किनारे जीवित मछली पर काम करने के लिए प्रयोग किए जाने वाले उपस्कर और उपकरण स्वच्छता और मरम्मत की समाधानप्रद व्यवस्था में होने चाहिए जिससे कि वे स्वयं के लिए संदूषण का कारण न बन सकें।

1.2 कृन्तकों, कीटों और किसी अन्य कीट जंतुओं का पड़तिबद्ध रूप से नाश किया जाना चाहिए। कृन्तकों, कीट नाशकों, रोगाणु नाशक और किसी अन्य विषली सामग्री को से परिसरों और लकड़ी की अलमारियों में भंडारित किया जाना चाहिए जिसको ताला लगाया जा सकता हो; उनके उपयोग से किसी वस्तु के संदूषण होने की कोई जोखिम नहीं होनी चाहिए।

1.3 कार्यकरण क्षेत्र, उपकरण और कार्यकरण उपस्कर का केवल जीवित मछलियों पर कार्य करने के लिए प्रयोग किया जाना चाहिए तथापि सक्षम प्राधिकारी द्वारा प्राधिकृत किए जाने पर उनका अन्य आद्य सामग्री पर कार्य करने के लिए उपयोग किया जा सकता है।

1.4 सभी प्रयोजनों के लिए पेयजल या स्वच्छ समुद्री जल का प्रयोग किया जाना चाहिए। तथापि अपवाद रूप में, अपेक्षित जल का भी भाप के उत्पादन, अग्निशमन और उपस्करों को ठंडा करने के लिए प्रयोग किया जा सकता है। परन्तु यह तब जब कि इस प्रयोजन के लिए लगाए गए पाइप अन्य प्रयोजनों के लिए ऐसे जल के उपयोग के लिए निवारित किए जाते हैं तथा उत्पादों के संदूषण का कोई जोखिम नहीं होता है।

1.5 अपमार्जक, विसंक्रमक और उसी प्रकार की सामग्रियों का सक्षम प्राधिकारियों द्वारा अनुमोदन किया जाना चाहिए और उनको इस प्रकार से उपयोग किया जाना चाहिए जिससे कि उनका मशीनरी, उपस्कर और वस्तुओं पर प्रतिकूल प्रभाव न पड़े।

2. कर्मचारीवृन्द को लागू स्वच्छता की साधारण शर्तः  
2.1 कर्मचारीवृन्द से स्वच्छता की उच्चतम संभावित स्तरों की अपेक्षा की जाती है। विनिर्दिष्ट रूप से,—

2.1.1 कर्मचारीवृन्द को उचित स्वच्छ कार्य करने के कपड़े और सिर के कपड़े पहनने चाहिए जो बालों को पूरी तरह से ढक लें। यह विशिष्ट रूप से उन व्यक्तियों को लागू होता है जो जीवित मछलियों को संभालने से संबंधित कार्य करते हैं।

2.1.2 उन कर्मचारीवृन्द से, जिनको जीवित मछली को संभालने और उनकी तैयार करने का काम सौंपा गया है, कार्य शुरू करते समय कम से कम प्रत्येक बार अपने हाथ धोने की अपेक्षा की जाती है। हाथों पर लगे घावों को जलरोधी कपड़े से ढक लेना चाहिए।

2.1.3 कार्य करते समय और मत्स्य उत्पादों का परिसरों में भंडारण करते समय धुंधपान, धूकना, खाना और पीना प्रतिषेध होना चाहिए।

2.2 नियोजक ऐसे व्यक्ति को जो कार्य के दौरान और उन्हें संभालने के दौरान जीवित मछलियों को संदूषित करने का दायी हो तब तक निवारित करने के सभी कदम उठाएगा जब तक ऐसा साध्य न हो कि ऐसा व्यक्ति अपना कार्य बिना जोखिम के कर सकता है।

जब किसी व्यक्ति को मत्स्य उत्पाद पर कार्य करने और उन्हें संभालने के लिए भर्ती किया जाता है तो उससे किसी चिकित्सा प्रमाणपत्र द्वारा यह साबित करने की अपेक्षा की जाती है कि ऐसे नियोजन के लिए उसे कोई रुकावट नहीं है। ऐसे किसी व्यक्ति की चिकित्सा पर्यवेक्षण उस समय प्रवृत्त राष्ट्रीय विधान द्वारा शासित होगी।

### 3. जीवित प्राणियों की साधारण स्वास्थ्य जांच

3.1 उन आधानों और टंकियों में जिनमें प्राणी भंडारित किए जाते हैं अच्छी अवस्था में रखा जाएगा।

3.2 टंकियों में जल को साफ करने तथा उनमें से बिचैले नाइट्रोजन यौगिकों को दूर करने के लिए यांत्रिक, जैव रासायनिक छनना प्रणाली की व्यवस्था होनी चाहिए।

3.3 जहां लागू न हो, बिलेय आक्सीजन के समुचित स्तर को बनाए रखने की युक्तियां होनी चाहिए जिससे कि भंडारित जीवित प्राणियों को कोई नुकसान न हो।

3.4 जहां आवश्यकता हो समुचित जल प्रचालन, वातन, अनुपूरक आक्सीजन की व्यवस्था होगी।

3.5 जल के तापमान को विशेष रूप से पर्याप्त रूप से नियंत्रित किया जाएगा जब मछलियां तापीय प्रशान्ति के अधीन हों।

3.6 प्रशान्ति के लिए और तनाव कम करने के लिए प्रयोग किए गए रसायनों, यदि कोई हों, का सांद्रण अनुश्रव्य सीमाओं के भीतर होना चाहिए।

3.7 जीवित प्राणी भंडारण और परिवहन के दौरान समुचित रूप से जीवित रहने योग्य परिस्थितियों में रहने चाहिए।

3.8 निर्यात के लिए मछली को पैक करने से पूर्व मछलियों का निरीक्षण किया जाना चाहिए जिससे कि यह पता लगाया जा सके कि वह उनके बर्तन में अर्थात् तैरने, हिलने-डुलने, किनारे के पास आराम करने, संतुलन आदि में अधिकता या कमी, उनके रहने में परिवर्तन, मापमान में अंतर, उनके शरीर पर हुए किसी विक्षत का पता लगाया जा सके। इसकी कार्य/परजीवी जीवन के लिए भी जांच की जानी चाहिए जो दृश्यमान हो। उन मछलियों को, जो चिक् निरीक्षण पर निर्यात के लिए उपयुक्त नहीं पाए जाते हैं, तुरंत हटा देना चाहिए और उनका इस रीति से व्ययन किया जाएगा जिससे कि वे निर्यात के लिए प्रयोग किया जा सके। जीवित केकड़ों और लोबस्टर्स के अंडों के विभाजन और अन्य शारीरिक क्षतियों के लिए जांच की जाएगी।

3.9 निर्यात के लिए जीवित मछलियों को संदूषण मुक्त जलीय पर्यावरण से पकड़ा जाना चाहिए। जलीय संरक्षण और प्रबंध से संबंधित नियमों पर और विशेषतया जलीय पर्यावरण के संदूषण से संबंधित नियमों पर प्रतिकूल प्रभाव डालने बिना, मछलियों में जलीय पर्यावरण में विद्यमान संदूषण नहीं होना चाहिए जैसे भारी धातु और कार्बन क्लोरीनेटित पदार्थ ऐसे स्तर पर न हो जिससे कि मानव के लिए दैनिक या साप्ताहिक रूप से स्वीकार्य खुराक में उनकी मात्रा बढ़ जाये।

### 4. पैकिंग और परिवहन

4.1 मछलियों में संदूषण को निवारित करने के लिए स्वच्छता का समाधानप्रण शर्तों के अधीन रहते हुए, पैकिंग की जानी चाहिए। यदि परिवहन वायुयान द्वारा किया जाता है तो पैकजों के लिए आई ए टी ए मानकों को पूरा करना चाहिए।

4.2 संविदा में जीवित प्राणियों के साथ प्रविष्ट होने के लिए दायी सामग्री को स्वच्छता के सभी नियमों का पालन करना चाहिए।

4.3 पोतलदान करने से पूर्व पैकजों को मौसम के प्रतिकूल परिस्थितियों में नहीं खोला जाना चाहिए।

4.4 निर्यात किए जाने वाले जीवित प्राणियों की परिवहन परिस्थितियां ऐसी होनी चाहिए जिससे कि वे उत्पाद पर प्रतिकूल प्रभाव न डालें।

### MINISTRY OF COMMERCE & INDUSTRY

(Department of Commerce)

Order

New Delhi, the 14th May, 2001

S. O. 1185.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of the opinion that it is necessary

and expedient so to do for the development of the export trade of India that live crab, lobsters and fishes should be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub rule (2) of Rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestion with respect to the said proposal, may forward the same within thirty days from the date of the publication of this Order in the official Gazette to the Export Inspection Council, 11th Floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

### PROPOSALS

(1) to notify that live crabs, lobsters and fishes shall be subject to quality control and inspection prior to export;

(2) to specify the type of inspection in accordance with the draft Export of Live Crabs, Lobsters and Fishes (Quality Control and Inspection) Rules, 2001 (Annexure-A) as the type of inspection which shall be applicable to such Live Crabs, Lobsters and Fishes, prior to export;

(3) to recognise the specifications, as set out in the Schedule I appended to this Order as the standard specifications for such live crabs, lobsters and fishes, and

(4) to prohibit the exports in the course of international trade of such Live Crabs, Lobsters and Fishes unless the same are accompanied by a certificate issued by any of the Export Inspection Agencies established at Mumbai, Calcutta, Cochin, Delhi and Madras for the purpose under Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that live crabs, lobsters and fishes is exportworthy.

3. Nothing in this order shall apply to the export by land, sea or air of samples of live crabs, lobsters and fishes to prospective buyers, the value of which shall not exceed permissible limits as laid down in the Exim Policy from time to time and where no such provisions exists the value of free sample(s) shall not exceed Rs. Five Hundred.

4. In this order, "live fishes" means all sea water and fresh water animals, viz., crabs, lobsters, and fishes in live form.

### SCHEDULE I

[See paragraph (3) of the proposals]

Specifications for Live Crabs, Lobsters and Fishes as per clause (c) of section 6 of the Export (Quality Control and Inspection), Act 1963 shall be—

- (a) national standards of the importing countries; or
- (b) contractual specifications agreed to between the foreign buyer and the exporter provided the same is satisfying the health and other requirements of the importing country;
- (c) in the case of any Live Crabs, Lobsters and Fishes for which no standard is available at (a) and (b) above, the standard formulated by an Expert Committee consisting of the following members shall be made applicable—

—Representative from Export Inspection Agency (Chairman)

—Representative from the Marine Products Export Development Authority,

—Representative from the Seafood Exporters' Association of India,

—Representative from Central Institute of Fisheries Technology,

—Representative from Central Marine Fishery Research Institute.

### ANNEXURE-A

S.O.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Export of Live Crabs, Lobsters and Fishes (Quality Control and Inspection) Rules, 2001.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,

(1) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(2) "Agency" means the any one of the Agencies at Mumbai, Calcutta, Cochin, Delhi and Madras, established under section 7 of the Act;

(3) "Council" means the Export Inspection Council established under section 3 of the Act;



- (4) "Live Crabs, Lobsters and Fishes" means any of the trade varieties under the heads Crabs, Lobsters and Fishes.

3. **Quality Control and Inspection** : The quality control of Live Crabs, Lobsters and Fishes intended for export shall be carried out with a view to see that the same conforms to section 6 of the Act by effecting the requirements as mentioned at Annexure I and Annexure II.

4. **Procedure of Inspection**:—(1) An exporter intending to export Live Crabs, Lobsters and Fishes shall submit an application to the nearest office of the Agency, giving particulars of the consignment intended to be exported, to enable it to examine such consignment or cause the same to be examined and to see whether the same conforms to the specification referred to in rule 3;

(2) Every application under sub-rule (1) shall be made not less than five days before the anticipated date of despatch of the consignment from the exporters' premises for shipment;

(3) On receipt of the application referred to in sub-rule (2), the Agency shall inspect the consignment of Live Crabs, Lobsters and Fishes as per the instructions issued by the Council in this behalf with a view to see that the same complies with the requirements of the specifications recognised under Schedule I of section 6 of the Act or as stipulated in the export contract;

(4) The exporter shall provide all necessary facilities to the Agency to enable it to carry out such inspection.

5. **Certification**. :—(1) If after inspection of consignment, the Agency is satisfied that the same conforms to the specifications recognised under Schedule-I of section 6 of the Act, or as stipulated in the export contract, and has been packed and marked according to these rules, it shall issue a certificate within three days from the date of inspection, declaring the consignment as export worthy.

(2) Where the Agency is not so satisfied, it shall, within the said period of three days, refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

6. **Packing and Marking for export**:—(1) The Live Crabs, Lobsters and Fishes shall be packed as specified in the export contract.

(2) Each consignment shall be marked with indelible ink or labelled with the following particulars, namely :—

- (a) name and variety of the material;
- (b) net weight of contents and the gross weight of the packages;

- (c) shipping marks; and
- (d) port of destination.

7. **Place of inspection**:—(1) Inspection for the purpose of these rules shall be carried out at the exporters' premises which shall be well-lighted and maintained in sanitary and hygienic conditions and shall also have necessary facilities for weighing, packing and inspection.

(2) In addition to the inspection at the premises referred to in sub-rule (1), the Agency shall have the right to reassess the quality of the consignment in the establishment, in transit or at the ports, as it may consider necessary to carry out the purpose of these rules.

(3) In the event of the consignment being found not conforming to the Schedule-I of the order or as stipulated in the export contract at any of stages referred to in sub-rule (2), the certificate issued under rule 5 shall be withdrawn.

8. **Inspection fee**:—A fee at the rate of 0.4 per cent of the f.o.b. value of the consignment, subject to a minimum of Rs. 500 per consignment, shall be paid to the Agency.

9. **Appeal**:—(1) Any exporter aggrieved by the refusal of the Agency to issue a certificate under rule 5, may within two days of the receipt of the communication for such refusal by him, prefer an appeal to a Panel of Experts consisting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(2) At least two-thirds of the total members of the Panel of Experts shall consist of non-officials.

(3) The quorum of the Panel shall be three.

(4) The appeals shall be disposed of within 15 days of its receipt.

(5) The decision of the panel in such appeals shall be final.

[F.No. 6/4/2000-EI&EP]

P. K. DAS, Director

#### ANNEXURE-I

#### REQUIREMENTS DURING AND AFTER LANDING

1. Unloading and landing equipment must be constructed of material which is easy to clean and disinfect, and must be kept in a good state of repair and cleanliness.

2. During unloading and landing, contamination of Live Crabs, Lobsters and Fishes must be avoided. It must, in particular be ensured that;

2.1 unloading and landing operations proceed rapidly;

2.2—live Fishes, Crabs and Lobsters are placed without unnecessary delay in a protected environment at the temperature required on the basis of the nature of item and, where necessary, in ice, in transport, storage or in an establishment;

2.3—equipment and handling practices that cause unnecessary damage to the live fish.

3. Parts of auction or wholesale markets where live fishes are displayed for sale must;

3.1—be covered and have walls which are easy to clean;

3.2—have water proof flooring which is easy to wash and disinfect, and laid in such a way as to facilitate the drainag of water and have a hygienic waste water disposal system;

3.3—be equipped with sanitary facilities with an appropriate number of wash basins and flush lavatories. Wash basins shall be supplied with materials for cleaning the hands and single use hand towels;

3.4—be well lit to facilitate the inspection of live fishes;

3.5—when they are used for display or storage of fishery products, not be used for other purposes vehicle emitting exhaust fumes which may impair th quality of the live fish must not be admitted to markets; undesirable animals must not be admitted;

3.6—be cleaned regularly and at least after each sale; Crates must, after each sale, be cleaned and rinsed inside and outside with potable water or clean seawater; where required, they must be disinfected;

3.7—have displayed in a prominent position signs prohibiting smoking, spitting, eating and drinking;

3.8—have facilities to provide adiquate water supplies;

3.9—have spcial watertight receptacles made of corrosion resistnat materials for live fishes which are unfit for human consumption.

4. After landing of, where appropriate, after first sale, live fish must be transported without delay at a proper temperature.

5. The general conditions of hygiene laid down in ANNEXURE-II, Section-II, with the exception of point 2.1.1 shall apply mutatis mutandis to the markets in which live fish are displayed for sale.

6. The wholesale markets in which live fish are displayed for sale shall be subject to the same conditions as those laid down in points 3 & 5 of this ANNEXURE and to those set out in points 2, 11, 12 of Section-I of ANNEXURE-II.

7. The general conditions of hygiene laid down in ANNEXURE-II, Section-II shall apply mutatis mutandis to wholesale markets.

## ANNEXURE-II

### GENERAL CONDITIONS RELATING TO PREMISES, BUILDING AND EQUIPMENTS

#### 1. Premises and building

1.1 The immediate approaches of the processing areas shall be concreted or tarred or turfed, to prevent wind blown dust.

1.2 The establishment shall be housed in a building of permanent nature affordings sufficient protection from normal climatic hazards like wind blown dust and rain and shall be of sufficient size for work to be carried out under adequate hygienic conditions. Their design and layout shall be such as to preclude contamination of the live fish. Clean and contaminated parts of the building shall be properly separated.

1.3 The food handling areas shall be completely separated from the area used for residential purpose.

1.4 The layout of different sections shall be in such a way as to facilitate the smooth and orderly flow of work to prevent possible cross contamination.

1.5 There should be adequate natural or artificial lighting. The bulbs and tubes should have protective covering.

1.6 There shall be adequate facilities for natural or mechanical ventilation system to provide fresh air and where necessary good steam and water vapour extraction facilities shall be provided. Ventilation opening shall be provided with fly proofing arrangements.

## 2. Fly-Proofing, vermin and animal control

2.1 The areas including the live fish receiving and storing area shall be provided with effective fly-proofing arrangements. Suitable steps shall also be taken to prevent the entry of insects, rodents, birds and animals into the processing area.

## 3. Receiving area

3.1 There shall be a raised platform to unload the live fishes before being taken to the live fishes receiving area. The sides and top of this platform shall be sufficiently protected from extraneous contamination.

3.2 The area in which the live fish is received and stored shall be so separated from the area in which the item, it packed as to eliminate contamination.

## 4. Ceiling, wall and floor of work rooms

4.1 The floor of the live fish handling area shall be water proof, easy to clean and disinfect and laid down in such a way as to facilitate the drainage of the water easily or provided with equipment to remove water. There shall be no water stagnation on the floor.

4.2 The internal walls of the food handling area shall be durable and have smooth surface which are easy to clean and impermeable, waterproof and light coloured.

4.3 Walls shall be free from projection and all pipes and cables shall be neatly covered.

4.4 Wall to wall and wall to floor junctions shall be rounded off to facilitate proper cleaning.

4.5 Ceiling shall be free from cracks and open joints and shall be smooth, waterproof, light coloured and easy to clean.

4.6 All doors and windows shall be durable and made of corrosion resistant material and shall be of self closing type and easy to clean with fly proofing arrangements.

4.7 All windows sills shall be sloping inwards.

4.8 All entry points into the handling area shall be provided with feet washing pit of suitable be changed at frequent intervals.

4.9 All entry points into the handling area shall be provided with adequate facilities for cleaning and disinfecting hands.

4.10 Instruments and working equipments such as tables, containers, and other utensils used shall be of smooth corrosion resistant materials, easy to clean and disinfect.

4.11 Utensils used for inedible or contaminated materials shall be identified by specific mark or colour or shape and shall not be used for handling live fish. Adequate waste receptacles shall be provided for frequent removal of waste from the working areas.

## II. GENERAL CONDITIONS OF HYGIENE

1. General conditions of hygiene applicable to premises and equipment :

1.1 Floors, walls and partitions, ceilings or roof linings, equipment and instruments used for working on live fishes must be kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination for the item.

1.2 Rodents, insects and any other vermin must be systematically exterminated in the premises or in the equipments. Rodenticides, insecticides, disinfectants and any other potentially toxic substances must be stored in premises or cupboards which can be locked; their use must not present any risk of contamination of the item.

1.3 Working areas, instruments and working equipment must be used only for work on live fishes. However, on authorization by the competent authority, they may be used for work on other food-stuffs also.

1.4 Potable water or clean seawater must be used for all purposes. However, by way of any exception, non potable water may be used for steam production, fire fighting and the cooling of refrigeration equipment, provided that the pipes installed for the purpose preclude the use of such water for other purposes and present no risk of contamination of the products.

1.5 Detergents, disinfectants and similar substances must be approved by the competent authority and used in such a way that they do not have adverse effects on the machinery, equipment and items.

## 2. General conditions of hygiene applicable to staff :

2.1 The highest possible standard of cleanliness is required of staff. More specifically :

2.1.1 Staff must wear suitable clean working clothes and headgear which completely encloses the hair. This applies particularly to persons handling live fishes.

2.1.2 Staff assigned to the handling and preparation of live fishes must be required to wash their hand at least each time work is resumed. Wounds on the hands must be covered by a water proof dressing.

2.1.3 Smoking, spitting, eating and drinking in work and storage premises of fishery products must be prohibited.

2.2 The employer shall take all the requisite measures to prevent persons liable to contaminate live fishes from working on and handling them until there is evidence that such persons can do so without risk.

When recruited, any person working on and handling fishery products shall be required to prove by a medical certificate, that there is no impediment to such employment. The medical supervision of such a person shall be governed by the national legislation in force.

## 3. General health checks of the live items

3.1 Containers/tanks in which live items are stored shall be maintained in good condition.

3.2 The tank should be provided with mechanical, biological or chemical filtration system to clean the water and remove toxic nitrogen compounds.

3.3 Devices to maintain proper level of dissolved oxygen may be provided in order not to damage the live items stored, wherever applicable.

3.4 Appropriate water circulation/aeration/supplementary oxygen system are to be provided wherever needed.

3.5 The water temperature is to be adequately controlled especially when the fish is subjected for thermal tranquilization.

3.6 The concentration of chemicals used, if any, for tranquilizing and to reduce stress should be within the permissible limit.

3.7 Live items, during storage and transport, must be kept under the most suitable survival conditions.

3.8 Before the fishes are packed for export, they must be subjected to a visual inspection the fish should be observed to detect any charged behaviour like erratic swimming, movement, resting near margins, loss of balance etc. in addition to excessive or lack of mucus secretion, change in normal pigmentation, erosion of scales, fins, lesions on the body etc. It must also be checked for fungi/parasite infection that are visible. Fish which are found unfit for export on visual inspection must be removed immediately and shall be disposed of in such a way that it will be used for export. Live crabs and lobsters are to be checked for shedding of claws and or other physical damages.

3.9 Live fish for export must be caught from pollution free aquatic environment. Without prejudice to the rules concerning water protection and management and in particular those concerning pollution of the aquatic environment, the fish must not contain contaminants present in the aquatic environment such as heavy metals and organochlorinated substances at such a level that the calculated dietary intake exceeds the acceptable daily or weekly intake for humans.

#### 4. Packaging and transport

4.1 Packing must be carried out under satisfactory conditions of hygiene to preclude contamination of the fish. If transported by air, packages should meet the IATA standards.

4.2 Packaging materials liable to enter into contact with live items must comply with all the rules of hygiene.

4.3 Before shipping, packages should not be exposed to adverse weather conditions.

4 The transport conditions of live items to be packed shall be such that they do not adversely affect the product.

दिल्ली, 21 मई, 2001

केन्द्रीय सरकार राजभाषा (संघ के शासकीय)  
7) नियम, 1976 के नियम 10 के उप-  
वाणिज्य विभाग के अन्तर्गत आने

वाले पीईसी एवं इटपो के निम्नलिखित क्षेत्रीय/शाखा कार्यालयों को अधिसूचित करती है जिनके 80% से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है :—  
पीईसी लिमिटेड

#### 1. पीईसी लि.

फ्लैट नं. आठवां माला

कॉमर्स हाऊस

2 गणेश चन्द्र एवेन्यू

कोलकाता

#### 2. पीईसी लिमिटेड

लवली मैन्शन

तीसरा माला

6-3-1090/सी/ए/301

हैदराबाद

#### 3. पीईसी लिमिटेड

401, पार्थ अपार्टमेंट

लाल भाई स्टेडियम के सामने

सूरत-दवास रोड

पिपलोड, सूरत

#### 4. पीईसी लिमिटेड

सी/0 एम्बेसी आफ इंडिया

121-122

वी-17 किमलीन

हैनोई (वियतनाम)

#### इंडिया ट्रेड प्रमोशन आर्गनाइजेशन

#### 1. इंडिया ट्रेड प्रमोशन आर्गनाइजेशन

7 कूपरेज झांसी कैसल

मुम्बई-400 039

#### 2. इंडिया ट्रेड प्रमोशन आर्गनाइजेशन

24 ए. डम्फरियल कोर्ट

33/1, कनिष्ठम रोड,

बंगलौर-560 052

[सं. ई-11013/3/99-हिन्दी]

एल. पी. मैत्री, निदेशक (राजभाषा)

New Delhi, the 21st May, 2001

24-A, Imperial Court  
33|1, Kaningham Road  
Banglore-560052.

[No. E-11013|3|99-Hindi]

L. P. SAINI, Director O.L.)

S.O. 1186.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official purpose of the Union), Rules 1976 the Central Government hereby notifies the following Branch|Regional Offices of PEC, ITPO under the Deptt. of Commerce where of more than 80% Staff have acquired working knowledge of Hindi :—

P.E.C. Limited

1. PEC Limited  
Flat N. 2, 8th Floor  
Commerce House  
2 Ganesh Chandra Avenue  
Kolkata.
2. PEC Ltd.  
Lovely Mension  
3rd Floor  
6-3-1090|C|A|301  
Hyderabad.
3. PEC Ltd.  
401, Parth Apartment  
Lal Bhai Stadium  
Surat-Duwas Road  
Piplaud, Surat.
4. PEC Ltd.  
C|o. Embassy of India  
121-1322  
B-17 Kimlin  
Hanoi (Vietnam).

India Trade Promotion Organisation :

1. India Trade Promotion Organisation  
7 Cooprage Jhansi Casal  
Mumbai-400039.
2. India Trade Promotion Organisation

उपभक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय  
(उपभक्ता मामले विभाग)

नई दिल्ली, 22 मई, 2001

का आ 1187.—केन्द्रीय सरकार राजभाषा (सघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय के अधीन भारतीय मानक ब्यूरो, नई दिल्ली के निम्नलिखित शाखा कार्यालय, जिसके 80 प्रतिशत में अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है को एतद्वारा अधिसूचित करती है —

बंगलौर शाखा कार्यालय,  
भारतीय मानक ब्यूरो  
पीन्या इंडस्ट्रियल एरिया,  
पहली स्टेज, बंगलौर- तुमकूर रोड,  
बंगलौर-560058

[स ई-11012/4/2000—हिन्दी]

आई एम. सोधी, उप सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD  
AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

New Delhi, the 22nd May, 2001

SO 1187—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following branch office of Bureau of Indian Standards, New Delhi under the Ministry of Consumer Affairs, Food and Public Distribution where more than 80 per cent of the staff have acquired working knowledge of Hindi :

Bangalore Branch Office,  
Bureau of Indian Standards,  
Finya Industrial Area,  
First Stage, Bangalore—Tumkur Road.  
Bangalore-560 058.

[No E-11012/4/2000-Hindi]

I. M. SONDHI, Dy. Secy

## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

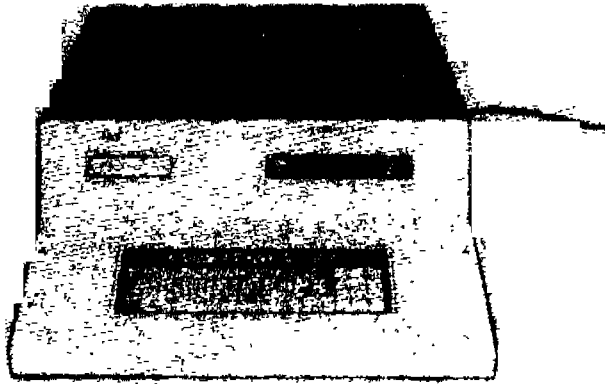
( उपभोक्ता मामले विभाग )

नई दिल्ली, 23 मई, 2001

का० आ० 1188.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जय स्केल मैनुफैक्चरिंग क० आफिस—“पुष्पक” महावीर नगर, हिम्मत नगर-383001 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (वर्ग III) वाले “जे सी ओ” शृंखला के अस्वचालित तोलन उपकरण (वे ब्रिज के लिए संपरिवर्तन किट) के माडल का, जिसके बांड का नाम “जय” है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/296 समनुमोदित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) का तोलन मशीन से संलग्न किया जाने वाला, अस्वचालित तोलन उपकरण है जिसकी अधिकतम क्षमता 20 टन है और न्यूनतम क्षमता 100 कि०ग्रा० है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि०ग्रा० है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक के “ई” मान के लिए 500 से 10000 की रेंज में है तथा जिनका “ई” मान  $1 \times 10^*$ ,  $2 \times 10^*$  और  $5 \times 10^*$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ फा० सं० डब्ल्यू० एम० 21(76)/96 ]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

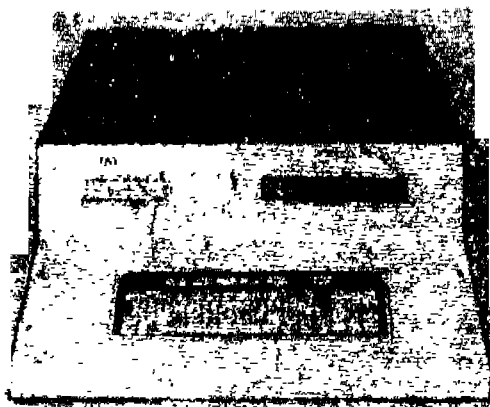
**MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION****(Department of Consumer Affairs)**

New Delhi, the 23rd May, 2001

**S. O. 1188.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model in respect of non-automatic weighing instrument (conversion kit for weighbridge) of JCO series belonging to medium accuracy of (class III) with brand name "JAY" (herein referred to as model) manufactured by M/s. Jay Scale Mfg Co. Office—"Pushpak" Mahavirnagar, Himatnagar-383001 and which is assigned the approval of Model mark IND/09/2000/296;

The said model (see the figure) is a non automatic weighing instrument belonging to medium accuracy class (Accuracy class III) of was attached for weighing machine with maximum capacity 20 tonne and minimum capacity 100 kg. The verification scale interval was 5 kg. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series of same make and accuracy class with maximum capacity above 5 tonne and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F N. WM-21(76)/96]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

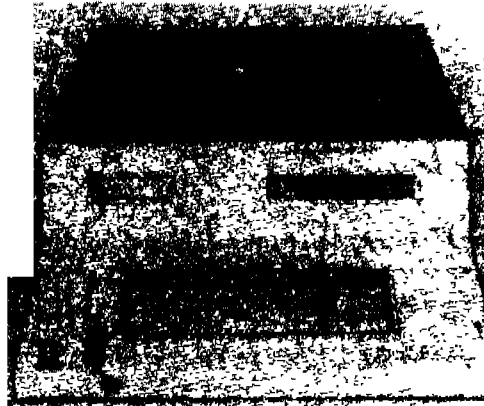


नई दिल्ली, 23 मई, 2001

क्रा० आ० 1189.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जय स्केल मैन्युफैक्चरिंग कं० आफिस—“पुष्पक” महावीर नगर, हिम्मत नगर-383001 द्वारा विनिर्मित उच्च यथार्थता वर्ग (वर्ग II) वाले “जे सी एच” श्रृंखला के तोलन सेतु के लिए कनवर्जन किट के अस्वचालित तोलन उपकरण के माडल का, जिसके बांड का नाम “जय” है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/295 समनुमोदित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (आकृति देखें) उच्च यथार्थता वर्ग (यथार्थता वर्ग II) का अस्वचालित तोलन उपकरण है। यह तोलन मशीन के साथ जिसकी अधिकतम क्षमता 20 टन है और न्यूनतम क्षमता 20 कि०ग्रा० है, लगाया जाता है। सत्यापन मापमान अन्तराल (ई) का मान 1 कि०ग्रा० है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिनका अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि.ग्रा. या अधिक के “ई” मान के लिए 5000 से 100000 की रेंज में है तथा जिनका “ई” मान  $1 \times 10^5$ ,  $2 \times 10^5$  और  $5 \times 10^5$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(76)/96]

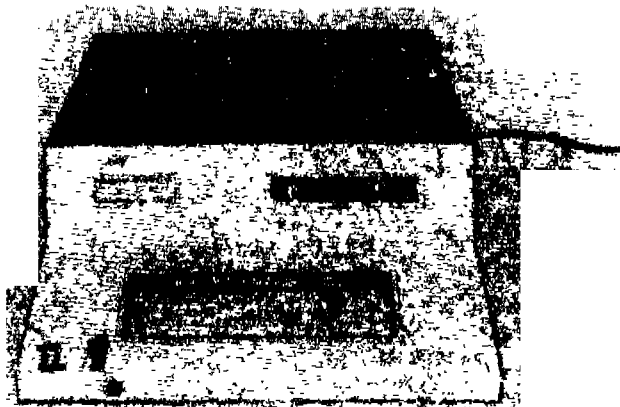
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

S. O. 1189.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model in respect of non-automatic weighing instrument of conversion kit for weighbridge of 'JCH' series belonging to high accuracy of (class II) with brand name 'JAY' (herein referred to as model) manufactured by M/s Jay Scale Mfg. Co. Office—"Pushpak" Mahavirnagar, Himmatnagar-383001 and which is assigned the approval of Model mark IND/09/2000/295;

The said model (see the figure) is a non automatic weighing instrument belonging to high accuracy class (Accuracy class II) It was attached to a weighing machine of maximum capacity 20 tonne and minimum capacity 20 kg. The value of verification scale interval was 1 kg. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series of same make and accuracy class with maximum capacity above 5 tonne and with number of verification scale interval (n) in the range 5000 to 1,00,000 for 'e' value of 100 mg. or more and with 'c' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(76)/96]

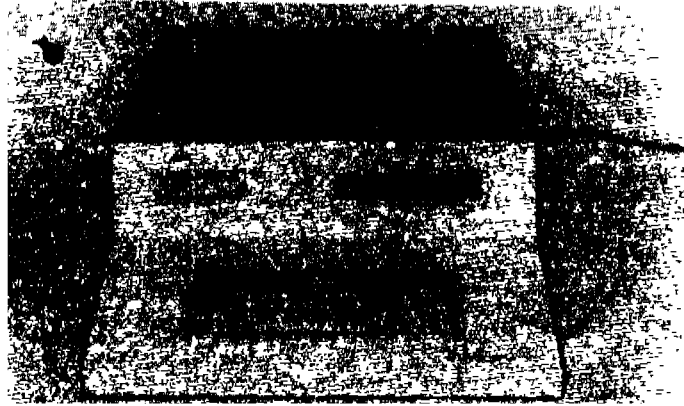
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 मई, 2001

का० आ० 1190.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा पस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जय स्केल मैनुफैक्चरिंग कं० आफिस—“पुष्पक” महावीर नगर, हिम्मत नगर-383001 द्वारा विनिर्मित उक्त यथार्थता (वर्ग II) वाले “जे एफ एच” शृंखला के अस्वचालित तोलन उपकरण (मल्टी लोड सेल टाइप वे ब्रिज) के माडल का, जिसके ब्रांड का नाम “जय” है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/294 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग II) का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 20 टन है और न्यूनतम क्षमता 20 कि०ग्रा० है। सत्यापन मापमान अन्तराल (ई) का मान 1 कि०ग्रा० है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत् प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि.ग्रा. या अधिक के “ई” मान के लिए 5000 से 100000 की रेंज में है तथा जिनका “ई” मान  $1 \times 10^*$ ,  $2 \times 10^*$  और  $5 \times 10^*$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(76)/96]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1190.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model in respect of non-automatic weighing instrument (Multi load cell type weigh bridge) of JFH series and belonging to high accuracy of (class II) with brand name "JAY" (herein referred to as model) manufactured by M/s. Jay Scale Mfg. Co. Office—"Pushpak" Mahavirnagar, Himatnagar-383001 and which is assigned the approval of Model mark IND/09/2000/294;

The said model (see the figure) is a non automatic weighing instrument belonging to high accuracy class (Accuracy class II). Its maximum capacity is 20 tonne and minimum capacity 20 kg. The value of verification scale interval is 1 kg. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series of same make and accuracy class with maximum capacity above 5 tonne and with number of verification scale interval (n) in the range 5000 to 1,00,000 for 'e' value of 100 mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. N WM-21(76)/96]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 मई, 2001

का० आ० 1191.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्राइम इंस्ट्रुमेंट्स, 61/ए, तिरुपति इंडस्ट्रियल इस्टेट, अम्बर सिनेमा के पीछे, सारसपुर, अहमदाबाद द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "पी आई" श्रृंखला के अस्वचालित अंकीय सूचन सहित तोलन उपकरण (मेजतल प्रकार) के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसके ब्रांड का नाम "प्राइम इंस्ट्रुमेंट्स" है और जिसे अनुमोदन चिह्न आई एन डी/09/2000/212 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) उच्च यथार्थता वर्ग (यथार्थता वर्ग II) का अंकीय सूचन सहित अस्वचालित मेजतल प्रकार का तोलन उपकरण है और जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 50 कि०ग्रा० है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार के हैं। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या सहित 1 मिलिग्राम से 50 मिलिग्राम के लिए "ई" मान 100 से 1,00,000 की रेंज में और सत्यापन मापमान अन्तराल (एन) की संख्या सहित 100 मिलीग्राम या अधिक के लिए "ई" मान 5,000 से 1,00,000 की रेंज में है सहित "ई" मान  $1 \times 10^6$ ,  $2 \times 10^6$  और  $5 \times 10^6$  हैं जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फ० सं० डब्ल्यू० एम० 21(36)/99]

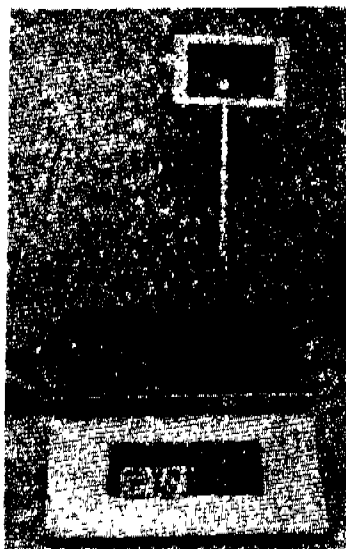
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1191.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication (here in after referred to as the model) of 'PI' series belonging to High accuracy class (accuracy class II) and with brand name 'PRIME INSTRUMENTS' manufactured by M/s Prime Instruments, 61/A, Tirupati Industrial Estate, Behind Amber Cinema, Saraspur, Ahmedabad, and which is assigned the approval of mark IND/09/2000/212;

The said model (see the figure) is a non-automatic weighing instrument of table top type with digital indication of maximum capacity 10 kg., minimum capacity 50 g. and belonging to High accuracy class (accuracy class II). The value of verification scale interval (e) is 1 g. The display unit is of light emitting diode. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range 100 to 1,00,000 for 'e' value 1 mg. to 50 mg. and with number of verification scale interval (n) in the range 5,000 to 1,00,000 for 'e' value of 100 mg. or more with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , where k is a positive or negative whole number or zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved Model has been manufactured.

[F. N. WM-21(36)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 मई, 2001

**का० आ० 1192.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्राइम इंस्ट्रुमेंट्स, 61/ए, तिरुपति इंडस्ट्रियल इस्टेट; अम्बर सिनेमा के पीछे, सारसपुर, अहमदाबाद द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "पी आई" शृंखला के अस्वचालित अंकीय सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसके ब्रांड का नाम "प्राइम इंस्ट्रुमेंट्स" है और जिसे अनुमोदन चिह्न आई एन डी/09/2000/213 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) उच्च यथार्थता वर्ग (यथार्थता वर्ग II) का अंकीय सूचन सहित अस्वचालित मेजतल प्रकार का तोलन उपकरण है और जिसकी अधिकतम क्षमता 50 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान (ई) का मान 5 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार के हैं। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और सत्यापन मापमान अन्तराल (एन) की संख्या सहित 5 ग्राम या अधिक के लिए "ई" मान 500 से 10,000 की रेंज में है सहित "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  और  $5 \times 10^3$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(36)-99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1192.**—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication (here in after referred to as the model) of 'PI' series belonging to medium accuracy class (accuracy class III) and with brand name 'PRIME INSTRUMENTS' manufactured by M/s Prime Instruments, 61/A, Tirupati Industrial Estate, Behind Amber Cinema Saraspur, Ahmedabad, and which is assigned the approval mark IND/09/00/213,

The said model (see the figure) is a non-automatic weighing instrument of platform type with digital indication of maximum capacity 50 kg, minimum capacity 100 g and belonging to Medium accuracy class (accuracy class III) The value of verification scale interval (e) is 5 g The display unit is of light emitting diode The instrument operates on 230 volts, 50 Hertz alternate current power supply



Further in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range 500 to 10 000 for 'e' value of 5 g or more with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which the approved Model has been manufactured

[F N WM-21(36)/99]

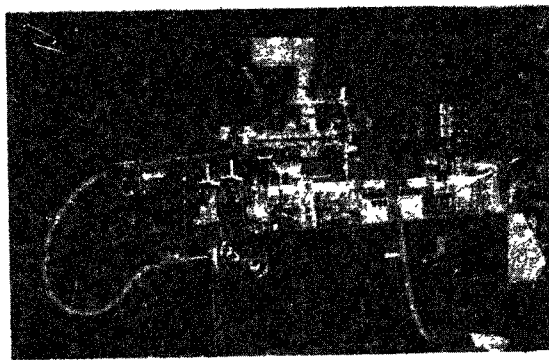
P A KRISHNAMOORTHY, Director, Legal Metrology



नई दिल्ली, 23 मई, 2001

**का० आ० 1193.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पाकोना इंजीनियर्स (आई) प्रा.लि., 917/जी आई डी सी इंडस्ट्रियल इस्टेट, माकडपुरा, बडौदरा 390010 द्वारा “पी के-18” श्रृंखला के स्वचालित भरण मशीन (स्लाइड फिलर) माडल का, जिसके ब्रांड का नाम “पाकोना” है। (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/258 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह माडल 1 ग्राम से 1 कि. ग्रा. की रेंज की क्षमता वाला स्वचालित (स्लाइड फिलर प्रकार का) तोलन उपकरण है। यह स्थिर शीर्ष के अधीन गुरुत्वाकर्षित भरण के सिद्धांत पर कार्य करता है। तैयार सामग्री की मात्रा प्रवाह की दर और समय पर निर्भर है। मशीन प्रति मिनट 15 से 50 पाउच की रेंज में उत्पादन के लिए समायोजित की जा सकती है। मशीन चाय, तंबाकू होरलक्स आदि जैसे उत्पादों को भरने के लिए डिजाइन की गई है।

[फा० सं० डब्ल्यू० एम० 21(61)/99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

S. O. 1193.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of automatic filling machine (slide filler) (hereinafter referred to as the model) of 'PK-18' series with brand name 'PAKONA' manufactured by M/s Pakona Engineers (I) Pvt Ltd, 917/3 GIDC Industrial Estate, Makarpura, Baroda-390 010 and which is assigned the approval mark IND/09/00/258,



The model is an automatic weighing instrument (slide filler type) of capacity in the range of 1g to 1kg. It works on the principle of gravity feed under constant head. The quantity of commodity dispensed is a product of flow rate and time. The machine can be adjusted to deliver output in the range 15 to 50 pouches per minute. The machine is designed to fill the products like tea, tobacco, horlicks etc.

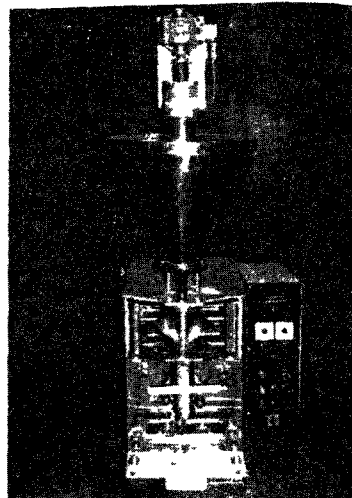
[F N WM-21(61)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 मई, 2001

**का०आ० 1194.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा पस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पाकोना इंजीनियर्स (आई) प्रा.लि., 917/3जी आई डी सी इंडस्ट्रियल इस्टेट, माकडपुरा, बडौदरा 390010 द्वारा विनिर्मित “पी के-14” शृंखला के स्वचालित भरण मशीन (आगर फिलर प्रकार) के माडल का, जिसके ब्रांड का नाम “पाकोना” है। (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/259 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह माडल 5 ग्राम से 10 कि. ग्रा. की रेंज की क्षमता का स्वचालित तोलन (आगर फिलर प्रकार का) तोलन उपकरण है। यह स्थिर शीर्ष के अधीन गुरुत्वाकर्षित भरण के सिद्धांत पर कार्य करता है। तैयार सामग्री की मात्रा प्रवाह की दर और समय पर निर्भर है। मशीन प्रति मिनट 6 से 50 पाउच की रेंज में उत्पादन के लिए समायोजित की जा सकती है। मशीन गुलाब जामुन मिश्रण, दुग्ध चूर्ण, आटा, दही-चूर्ण आदि जैसे उत्पादों को भरने के लिए समायोजित की जा सकती है।

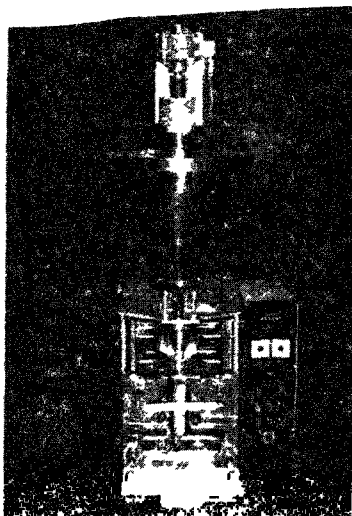
[फा० सं० डब्ल्यू० एम० 21(61)/99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1194.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions,

Now therefore in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of automatic filling machine (Agar filler type) (hereinafter referred to as the model) of 'PK-14' series with brand name 'PAKONA' manufactured by M/s Pakona Engineers (I) Pvt Ltd, 917/3 GIDC Industrial Estate, Makarpura, Baroda-390 010 and which is assigned the approval mark IND/09/00/259,



The model is an automatic weighing instrument (Agar filler type) of capacity in the range 5 g to 10 kg. It works on the principle of gravity feed under constant head. The quantity of commodity dispensed is a product of flow rate and time. The machine can be adjusted to deliver output in the range 6 to 50 pouches per minute. The machine is designed to fill the products like gulabjamun mix, milk powder, atta, custard powder etc.

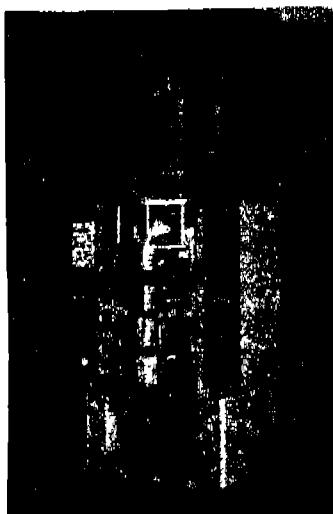
[F N WM-21(61)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 मई, 2001

का०आ० 1195.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पाकोना इंजीनियर्स (आई) प्रा. लि., 917/3 जी आई डी सी इंडस्ट्रियल इस्टेट, माकडपुरा, बड़ौदा 390010 द्वारा विनिर्मित "पी के-20" शृंखला की स्वचालित तोलन मशीन (वेमेट्रिक प्रकार) के माडल का, जिसके ब्रांड का नाम "पाकोना" है। (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/260 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;



यह माडल (आकृति देखें) 5 ग्राम से 25 कि. ग्रा. की रेंज वाली क्षमता का स्वचालित तोलन (वेमेट्रिक प्रकार का) उपकरण है। यह स्थिर शीर्ष के अधीन गुरुत्वाकर्षित भरण के सिद्धांत पर कार्य करता है। तैयार वस्तुओं की मात्रा प्रवाह की दर और समय पर निर्भर करती है। मशीन को प्रति मिनट 5 से 38 पाउच की रेंज में उत्पादन के लिए समायोजित किया जा सकता है। मशीन चावल, गेहूं, फारसन आदि जैसे उत्पादों के लिए डिजाइन की गई है।

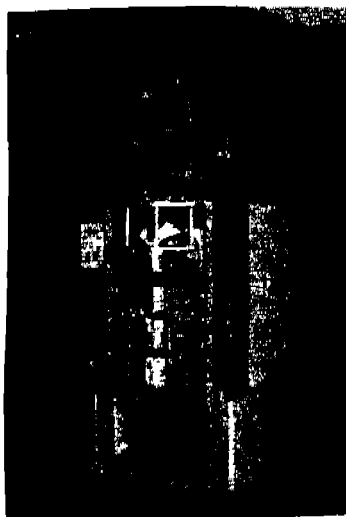
[ फा० सं० डब्ल्यू० एम० 21(61)/99 ]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1195.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of automatic weighing machine (weighmetric type) (hereinafter referred to as the model) of 'PK-20' series with brand name 'PAKONA' manufactured by M/s. Pakona Engineers (I) Pvt. Ltd., 917/3 GIDC Industrial Estate, Makarpura, Baroda-390 010 and which is assigned the approval of mark IND/09/00/260;



The model is an automatic weighing instrument (Weighmetric type) of capacity in the range 5 g. to 25 kg. It works on the principle of gravity feed under constant head. The quantity of commodity dispensed is a product of flow rate and time. The machine can be adjusted to deliver output in the range 5 to 38 pouches per minute. The machine is designed to products like rice, wheat, farsan etc.

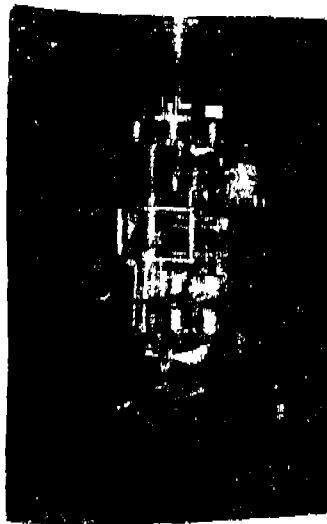
[F. N. WM-21(61)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 मई, 2001

का०आ० 1196.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पाकोना इंजीनियर्स (आई) प्रा.लि., 917/3जी आई डी सी इंडस्ट्रियल इस्टेट, माकडपुरा, बड़ौदा 390010 द्वारा विनिर्मित "पी के-12" श्रृंखला के स्वचालित भरण मशीन (कप फिलर प्रकार) के माडल का, जिसके ब्रांड का नाम "पाकोना" है। (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/261 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह माडल 1 गाम से 10 कि. ग्रा. की रेंज की क्षमता वाला स्वचालित (स्लाइड फिलर प्रकार का) तोलन उपकरण है। यह स्थिर शीर्ष के अधीन गुरुत्वाकर्षित भरण के सिद्धांत पर कार्य करता है। तैयार सामग्री की मात्रा प्रवाह की दर और समय पर निर्भर है। मशीन प्रति मिनट 5 से 50 पाउच की रेंज में उत्पादन के लिए समायोजित की जा सकती है। मशीन चाय, काफी, दाने, पान मसाला, तंबाकू आदि जैसे उत्पादों को भरने के लिए डिजाइन की गई है।

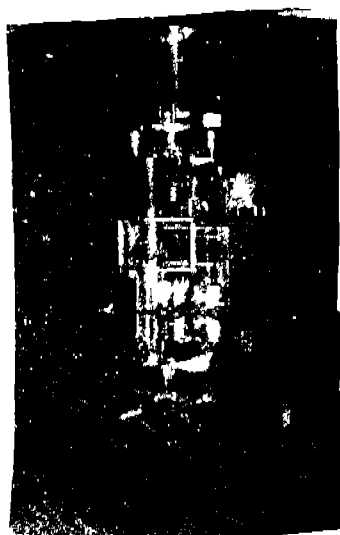
[फा० सं० डब्ल्यू० एम० 21(61)/99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1196.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of automatic filling machine (cup filler) (hereinafter referred to as the model) of "PK-12" series with brand name "PAKONA", manufactured by M/s. Pakaona Engineers (I) Pvt Ltd., 917/3 GIDC Industrial Estate, Makarpura, Baroda-390 010 and which is assigned the approval mark IND/09/00/261



The model is an automatic weighing instrument (slide filler type) of capacity in the range 1 g to 10 kg. It works on the principle of gravity feed under constant head. The quantity of commodity dispensed is a product of flow rate and time. The machine can be adjusted to deliver output in the range 5 to 50 pouches per minute. The machine is designed to fill the products like tea, coffee, granules, panmasala, tobacco, etc.

[F N WM-21(61)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

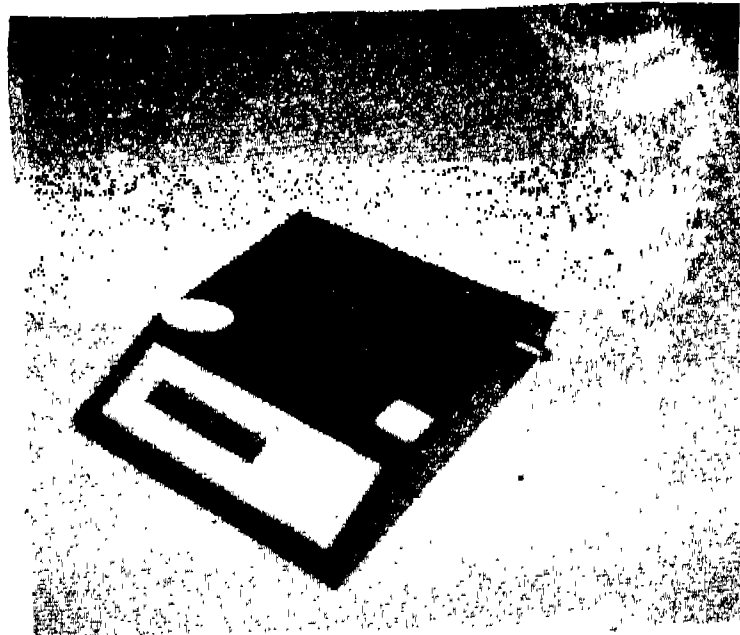


नई दिल्ली, 23 मई, 2001

का०आ० 1197.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स धर्माजा इंडस्ट्रीज, 380/2, सोला निकट सोला ओवर ब्रिज, खन्ना मोटर्स के पीछे, अहमदाबाद-380061 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "जे" श्रृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का जिसके ब्रांड का नाम "मिराज" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/291 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल उच्च यथार्थता वर्ग (यथार्थता वर्ग II) का अंकक सूचन सहित (टेबल टाप प्रकार) का अस्वचालित तोलन उपकरण है और जिसकी अधिकतम क्षमता 600 ग्राम और न्यूनतम क्षमता 400 मि.ग्राम है। स्थापन मापमान अन्तराल (ई) का मान 20 मि. ग्राम है। संप्रदर्श यूनिट प्रकाश उत्पन्नक डायोड (एल ई डी) प्रकार के हैं। उपकरण 220 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके स्थापन मापमान अन्तराल (एन) 1 मि. ग्रा. से 50 मि. ग्रा. के "ई" मान के लिए 100 से 1,00,000 की रेंज में और 100 मि. ग्रा. या अधिक के "ई" मान के लिए 5000 से 100000 की रेंज में तथा जिनका "ई" मान  $1 \times 10^6$ ,  $2 \times 10^6$  और  $5 \times 10^6$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(92)/99]

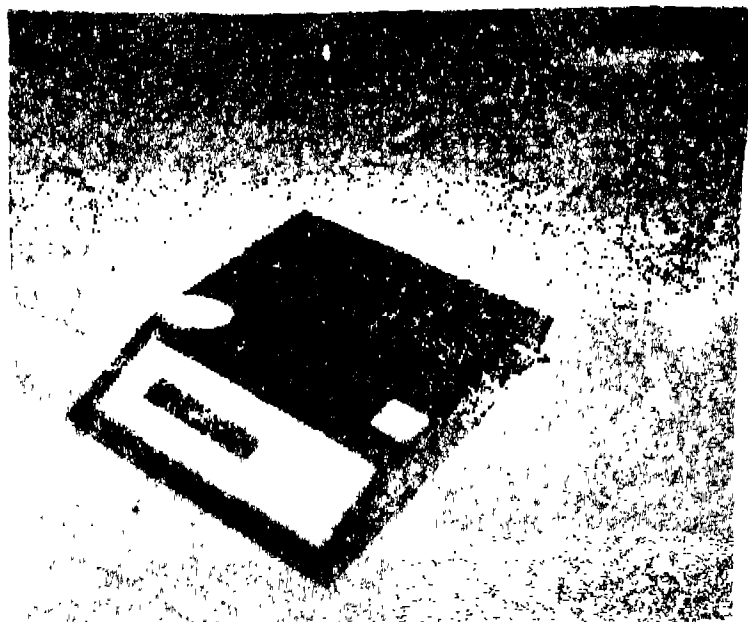
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1197.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication (herein referred to as the model) of 'J' series belonging to High accuracy class (accuracy class II) and with brand name 'MIRAJ' manufactured by M/s Dharmaja Industries, 380/2, Sola, near Sola overbridge, behind Khanna Motors, Ahmedabad-380 061 and which is assigned the approval mark IND/09/00/291;

The model is a non-automatic weighing instrument of tabletop type with digital indication of maximum capacity 600 g., minimum capacity 400 mg. and belonging to high accuracy class (accuracy class II). The value of verification scale interval (e) is 20 mg. The display unit is of light emitting diode (LED) type. The instrument operates on 220 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range 100 to 1,00,000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range 5000 to 1,00,000 for 'e' value of 100 mg. or more and with 'c' value to  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved Model has been manufactured.

[F. N. WM-21(92)/99]

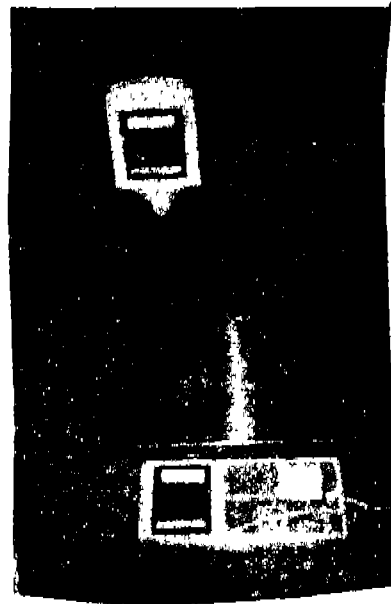
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 मई, 2001

का०आ० 1198.---केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स धर्माजा इंडस्ट्रीज, 380/2, सोला मिकट मोल्हा ओवर ब्रिज, खन्ना मोटर्स के पीछे, अहमदाबाद-380061 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "टी" श्रृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का जिसके ब्रांड का नाम "मिराज" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन विह आई एम डी/09/00/292 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति) मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) का अंकक सूचन सहित (टेबल टाप प्रकार का) अस्वचालित तोलन उपकरण है और जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्राम है। संप्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका निर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 100 मि. ग्रा. से 2 ग्रा. के "ई" मान के लिए 100 से 10,000 की रेंज में और 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान  $1 \times 10^{-3}$ ,  $2 \times 10^{-3}$  और  $5 \times 10^{-3}$  है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(92)/99]

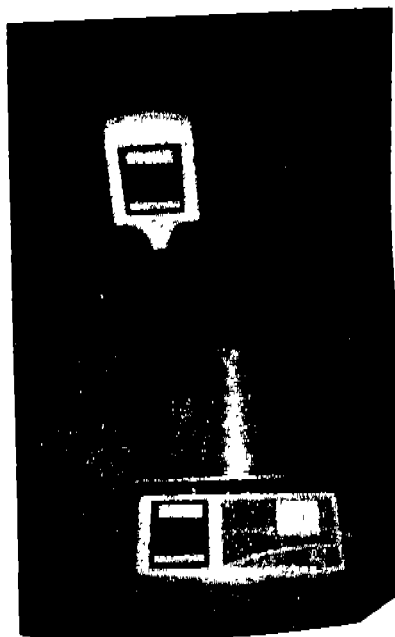
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1198.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication (herein referred to as the model) belonging to Medium accuracy class (accuracy class III) and of 'T' series with brand name 'MIRAJ' manufactured by M/s Dharmaja Industries, 30/2, Sola, near Sola overbridge, behind Khanna Motors, Ahmedabad-380 061 and which is assigned the approval mark IND/09/00/292;

The said Model (the figure given below) is a non-automatic weighing instrument of (tabletop type) with digital indication of maximum capacity 10 kg., minimum capacity 40 g. and belonging to Medium accuracy class (accuracy class III) The value of verification scale interval (e) is 2 g. The display unit is of light emitting diode. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. and with maximum number of verification scale interval (n) in the range 100 to 10,000 for 'e' value 100 mg to 2 g and with number for verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g. or more with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. N. WM-21(92)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 मई, 2001

का०आ० 1199.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अग्रे केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स थर्माजा इंडस्ट्रीज, 380/2, सोला निकट सोला ओवर ब्रिज, खन्ना मोटर्स के पीछे, अहमदाबाद-380061 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "पी" श्रृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का जिसके बांड का नाम "मिराज" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/293 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) का अंकक सूचन सहित अस्वचालित प्लेटफार्म प्रकार का तोलन उपकरण है और जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 20 ग्राम है। संप्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में हैं तथा जिनका "ई" मान  $1 \times 10^5$ ,  $2 \times 10^5$  और  $5 \times 10^5$  है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा० सं० डब्ल्यू० एम० 21(92)/99 ]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1199.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication (here in after referred to as the model) of 'P' series belonging to Medium accuracy class (accuracy class III) and with brand name 'MIRAJ' manufactured by M/s Dharmaja Industries, 380/2. sola, Near Sola Overbridge, Behind Khanna Motors, Ahmedabad-380 061 and which is assigned the approval mark IND/09/00/293;

The said Model is a non-automatic weighing instrument of Platform type with digital indication of maximum capacity 100 kg., minimum capacity 400 g. belonging to Medium accuracy class (accuracy class III). The value of verification scale interval (e) is 20 g. The display unit is of light emitting diode (LED) type. The instrument operates on 230 volts, 50.Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of scale interval (n) in the range 500 to 10,000 for 'e' value of 5g. or more with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved Model has been manufactured.

[F. N. WM-21(92)/99]

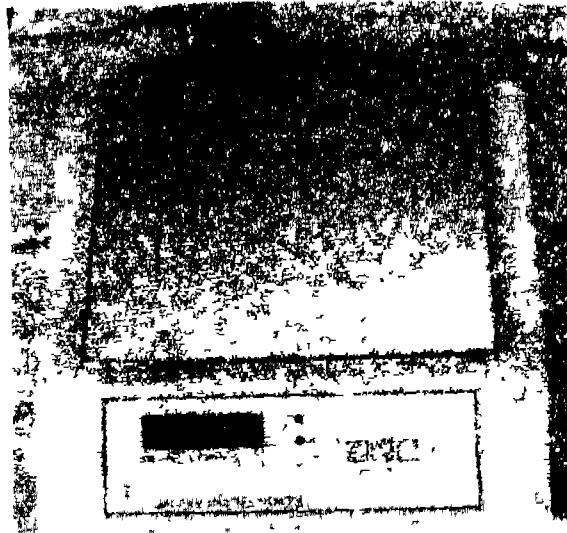
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 मई, 2001

**का०आ० 1200.**—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलो का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स गैलेकी इन्स्ट्रुमेंट्स, 106, सागर कम्प्लेक्स, बिल्डिंग सं 5, जेमल पार्क, मॅडर (पूर्व) थाना (जिला), महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “जी एक्स टी” अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के माडल का, जिसके ब्रांड का नाम “गैलेकी” है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/297 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (दी गई आकृति) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवस्थिततात्मक धारित आधेयतुलन प्रभाव है। भारग्राही आयताकार सैक्सन का है जिसकी भुजाएं  $350 \times 240$  मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्रियों से किया जाता है जिसमें अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि.ग्राम से 2 ग्राम “ई” मान के लिए 100 से 10,000 की रेंज में और 5 ग्राम, या अधिक “ई” मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अन्तराल (एन) सहित तथा जिनका “ई” मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  और  $5 \times 10^{-6}$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ फा० सं० डब्ल्यू० एम० 21(172)/2000 ]

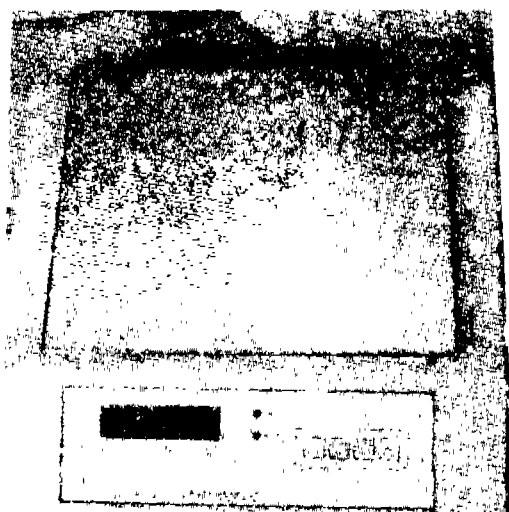
पी० ग० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

**S. O. 1200.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (Table Top type) belonging to Medium Accuracy (Accuracy class III) of 'GXT' series with brand name "Galaxy" (herein referred to as the model) manufactured by M/s Galaxy Instruments, 106, Sagar Complex, Building No. 5, Jesal Park, Bhainder (East), Thana (Dist ), Maharashtra and which is assigned the approval mark IND/09/2000/297,

The said model (the figure given) is non automatic weighing instrument. The maximum capacity is 10 kg. and minimum capacity of 40 g. The value of verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 350 × 240 millimeter. The light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with number of verification scale (n) in the range of 100 to 10000 for 'e' value of 100 mg to 2 g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F N WM-21(172)/2000]

P. A KRISHNAMOORTHY, Director, Legal Metrology



नई दिल्ली, 23 मई, 2001

**का०आ० 1201.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलो का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग को अवधारणों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स गैलेकी इन्स्ट्रुमेंट्स, 106, सागर कम्प्लैक्स, बिल्डिंग सं. 5, जेसल पार्क, मैडर (पूर्व) थाना (जिला), महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "जी एक्स पी" स्वतः सूचक, अस्वचालित इलेक्ट्रॉनिक, अकक सूचन सहित तोलन उपकरण (प्लेट फार्म प्रकार) के माडल का, जिसके ब्राड का नाम "गैलेकी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/298 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (दी गई आकृति) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 20 ग्राम है। इसमें एक आधेयतुलन शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिसमें अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक "ई" मान के लिए 500 से 10,000 की रेंज में तथा जिनका "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  और  $5 \times 10^3$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ फा० सं० डब्ल्यू० एम० 21(172) 2000 ]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2001

S. O. 1201.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (Platform type) belonging to Medium Accuracy (Accuracy class III) of 'GXP' series with brand name "Galaxy" (herein referred to as the model) manufactured by M/s Galaxy Instruments, 106, Sagar Complex, Building No. 5, Jesal Park, Bhainder (East) Thana (Dist.), Maharashtra and which is assigned the approval mark IND/09/2000/298;

The said model (the figure given) is non automatic weighing instrument. The maximum capacity is 100 kg. and minimum capacity of 400 g. The value of verification scale interval (e) is 20 g. It has a tare device with a 100 percent subtractive retained tare effect. The light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5 g. or more and with 'c' value  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. N. WM-21(172)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

**का०आ० 1202.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अन्व केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मोटर इंडस्ट्रीज क. लि., होसुर मार्ग, आदुगोडि, बंगलौर-560030 द्वारा विनिर्मित "टी डब्ल्यू-100-एन ई एल-1086" श्रृंखला के स्वचालित भरण मशीन (वोल्यूमेट्रिक कपफिलर प्रकार) के मॉडल का, जिसके ब्रांड का नाम "कपफिलर टाइप 1086" है। (जिसके इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/241 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह मॉडल (आकृति देखें) स्वचालित भरण मशीन (कपफिलर) है यह सतत शीर्ष के अधीन भार-भरण सिद्धांत पर कार्य करती है। मशीन को 6 मि. मी. से 1430 मि. मी. के बीच या कप की विमाओं पर निर्भर करने वाले समतुल्य भार की श्रेणी प्रदान करने के लिए समायोजित की जा सकती है। यह उत्पाद विनिर्देशों और पाऊच की मात्रा पर निर्भर रहते हुए प्रति मिनट 30 पाउंच (अधिकतम) भर सकती है। मशीन मुक्त रूप से प्रवाहित होने वाले उत्पादों को भरने के लिए डिजाइन की गई है जैसे चाय, काफी, मसाले, चीनी के दाने, रसायन और भेषजी उत्पाद, आदि। यह 220 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।

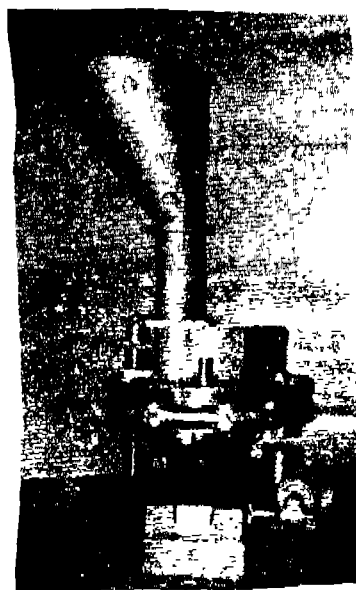
[फ० सं० डब्ल्यू० एम० 21(24)/98]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1202.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the automatic filling machine (volumetric cup filler type) of 'TW-100-NEL-1086' series and with brand name "cup filler type 1086" (hereinafter referred to as the model) manufactured by M/s Motor Industries Co. Ltd. Hosur Road, Adugod, Bangalore-560 030 and which is assigned the approval mark IND/09/2000/241;



The said model (figure given) is an automatic filling machine (Cup filler). It works on the principle of gravity feed under constant head. The machine can be adjusted to deliver any range between 6ml to 1430ml of equivalent weight depending upon the cup dimension. It can fill 30 pouches per minute (maximum) depending upon the product specifications and quantity of the pouch. The machine is designed to fill free flowing products such as Tea, coffee, spices, Sugar granules chemical & Pharmaceutical products etc. It operates on 220 volt, 50 Hertz alternate current power supply.

[F. N. WM-21(24)/98]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

का०आ० 1203.---केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मोटर इंडस्ट्रीज कं. लि., होसुर मार्ग, आदुगोडि, बंगलौर-560030 द्वारा विनिर्मित स्वचालित भरण मशीन ( "एफ वी एस 2051 का आगर फिलर प्रकार) के माडल का, जिसके ब्रांड का नाम "आगर फिलर टाईप एफ वी एस 2051" है। (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/242 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



उक्त माडल (आकृति देखें) अस्वचालित भरण मशीन (आगर फिलर) है। यह सत्त शीर्ष के अधीन भार-भरण सिद्धान्त पर कार्य करती है। मशीन को 3 मि. ली. से 2000 मि. ली. के बीच या आगर पेंच के अधिकतम 65 मि. मी. तक व्यास के अधीन रहते हुए समतुल्य भार की श्रेणी देने के लिए समायोजित किया जा सकता है। यह उत्पाद विनिर्देशों और पाउच की मात्रा पर निर्भर रहते हुए 40 पाउच प्रति मिनट (अधिकतम) भर सकती है। मशीन मुक्त रूप से प्रवाहित नहीं होने वाले उत्पादों जैसे दुग्ध चूर्ण काफी चूर्ण, पिसे मसाले, मंजन, रसायन और भेषजी चूर्ण, आदि को भरने के लिए डिजाइन की गई है। यह 220 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।

[ फा० सं० डब्ल्यू० एम० 21(24)/98 ]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1203.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of automatic filling machine (Auger filler type of FVS 2051) and with brand name ‘‘Auger filer type FVS 2051’’ (here in after referred to as the model) manufactured by M/s. Motor Industries Co. Ltd. Hosur Road, Adugodi, Bangalore-560 030 and which is assigned the approval mark IND/09/2000/242;



The said model (figure given) is an automatic machine (Auger filler). It works on the principle of gravity feed under constant head. The machine can be adjusted to deliver any range between 3 ml to 2000 ml of equivalent weight depending upon the diameter of Auger screw to a maximum of 65 mm. It can fill 40 pouches per minute (maximum) depending upon the product specifications and quantity of the pouch. The machine is designed to fill non-free flowing products such as milk powder, coffee powder, ground spices, tooth powder chemical & Pharmaceutical powder etc. It operates on 220 volt, 50 Hertz alternate current power supply ;

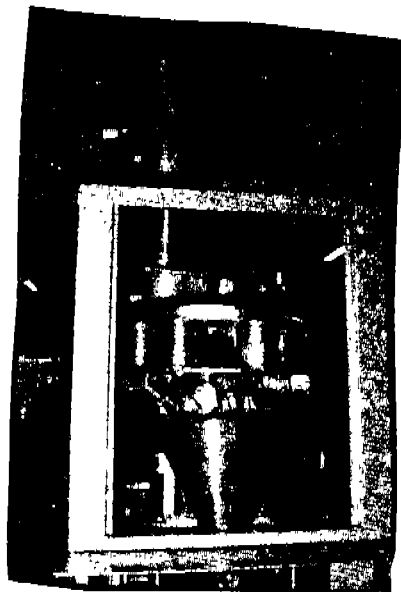
[F. N. WM-21(24)/98]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

**का०आ० 1204.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मोटर इंडस्ट्रीज कं. लि., होसुर मार्ग, आदुगोडि, बंगलौर-560030 द्वारा विनिर्मित "टी डब्ल्यू-100-एस पी एल-1108" मशीन (कप फिलर) के माडल का, जिसके ब्रांड का नाम "वोल्यूमेट्रिक कपफिलर टाईप-1108" है। (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/243 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



उक्त माडल (आकृति देखें) स्वचालित भरण मशीन (कप फिलर है) यह सतत शीर्ष के अधीन भार-भरण सिद्धांत पर कार्य करती है। मशीन का 100 मि. ली. से 5180 मि. ली. के ग्रीन या कप की विमाओं पर अवलम्बित समतुल्य भार की श्रेणी प्रदान करने के लिए समायोजन किया जा सकता है। यह उत्पाद विनिर्देशों और पाऊच की मात्रा पर निर्भर रहते हुए प्रति मिनट 30 पाउन्स (अधिकतम) भर सकती है। मशीन मुक्त रूप से प्रवाहित होने वाले उत्पादों को भरने के लिए डिजाइन की गई है जैसे चाय, मसाले, चीनी, चावल, नमक, दाने, रसायन और भेषजी, बीज और कृषि उत्पाद आदि। यह 220 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।

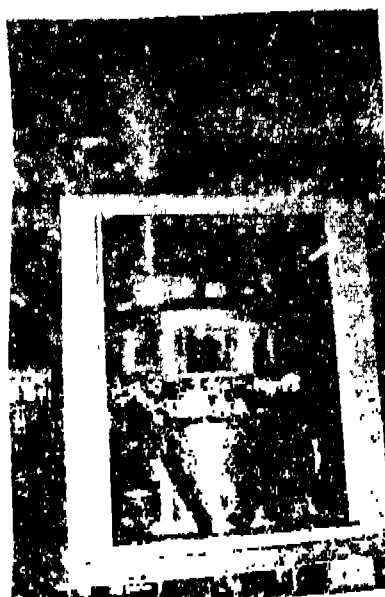
[ फा० सं० डब्ल्यू० एम० 21(24)/98 ]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1204.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report ( the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of automatic filling machine (cup filler ) of 'FW-100-SPL-1108' series and with brand name "Volumetric cup filler type 1108" (hereinafter referred to as the model) manufactured by M/s Motor Industries Co Ltd Hosur Road, Adugodi, Bangalore-560 030 and which is assigned the approval mark IND/09/2000/243,



The said model (figure given) is an automatic filling machine (Cup filler). It works on the principle of gravity feed under constant head. The machine can be adjusted to deliver any range between 100 ml to 5180 ml or of equivalent weight depending upon the cup dimensions. It can fill 30 pouches per minute (maximum) depending upon the product specifications and quantity of the pouch. The machine is designed to fill free flowing products such as Tea, spices, Sugar, rice, salt granules, chemical & Pharmaceutical seeds and agricultural products etc. It operates on 220 volt, 50 Hertz alternate current power supply.

[F. N. WM-21(24)/98]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

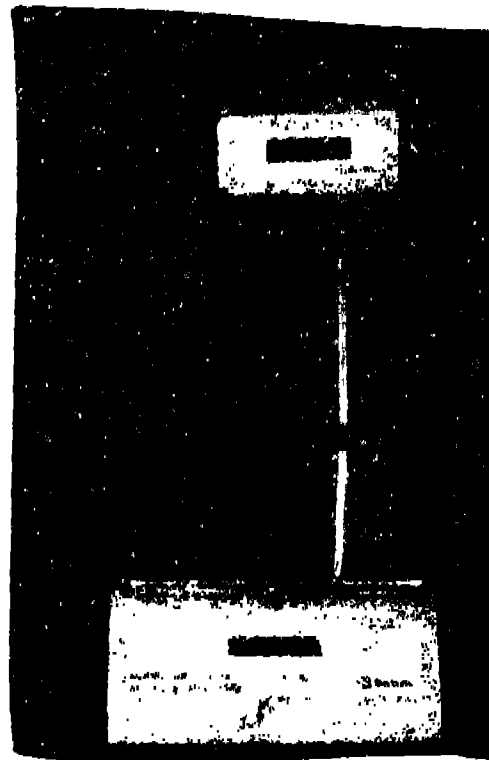


नई दिल्ली, 24 मई, 2001

का०आ० 1205.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) घाट और माप मानक अधिनियम, 1976 (1976 का 60) और घाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सिद्रा स्केल इंडस्ट्रीज, 113, प्रथम तल, भात्रे बाड़ी मार्ग, दहीसार (प.) मुंबई-400068 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एस एस" शृंखला के अंकीय सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) के माडल का जिसके ब्रांड का नाम "सिद्रा" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/142 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (आकृति देखें) अस्वचालित तोलन उपकरण है जिसकी अधिकतम क्षमता 12 किलोग्राम और न्यूनतम क्षमता 50 ग्राम है। मत्पापन मापमान अन्तराल (ई) मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्कलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही आयताकार है जिसकी भुजाएं 240×290 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (प्र.उ.डा.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्पापन मापमान के अन्तराल (एन)की अधिकतम संख्या 1,00,000 से कम या उसके बराबर है (एन  $\leq 1,00,000$ ) तथा जिसका "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  और  $5 \times 10^*$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(82)/2000]

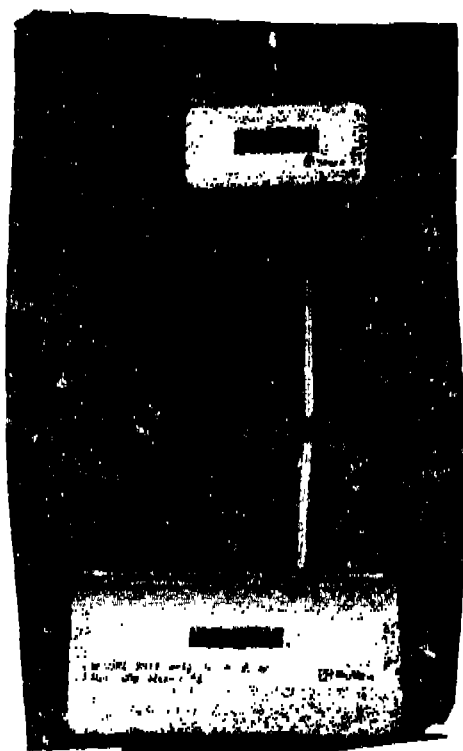
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1205.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument of (table top type) belonging to high accuracy (Accuracy Class II) with digital display of SS series with brand name "Settra" (here-in-after referred to as the model) manufactured by M/s Settra Scale Industries, 113, 1st floor, Matre Wadi Road, Dahisar (W), Mumbai-400068 and which is assigned the approval mark IND/09/2000/142;

The said Model (see the figure ) is non-automatic weighing instrument. The maximum capacity is 12kg and minimum capacity 50g. The value of verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 240×290 mm. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with number of verification scale division (n) less than or equal to 1,00,000 ( $n \leq 1,00,000$ ) and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(82)/2000]

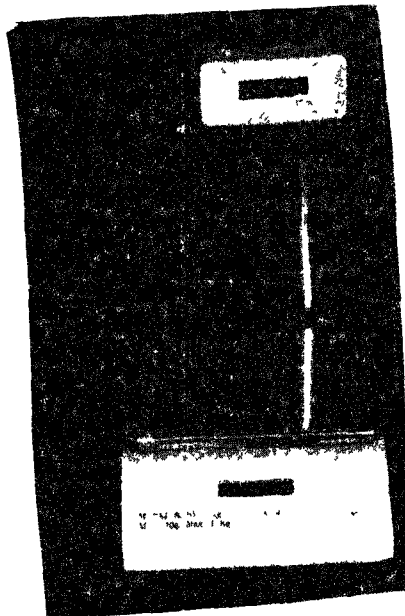
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

का०आ० 1206.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा,

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सिद्रा स्केल इंडस्ट्रीज, 113, प्रथम तल, मात्रे वाडी मार्ग, दहीसार (प.); मुंबई-400068 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एस एस" श्रृंखला के अंकीय सूचन सहित अस्वचालित तोलन उपकरण, तोलन उपकरण (टेबल टाप प्रकार का) के माडल का, जिसके ब्रांड का नाम "सिद्रा" है। (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/143 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (आकृति देखें) अस्वचालित टेबल टाप प्रकार का तोलन उपकरण है जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अन्तराल (ई) मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही आयताकार है जिसकी भुजाएं 200×220 मि.मी. है। प्रकाश उत्सर्जक डायोड (प्र.उ.डा.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उम्मी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान के अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर है (एन ≤ 10,000) तथा जिसका "ई" मान  $1 \times 10^{-3}$ ,  $2 \times 10^{-3}$  और  $5 \times 10^{-3}$  है, जहां के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फ० सं० डब्ल्यू० एम० 21(82)/2000]

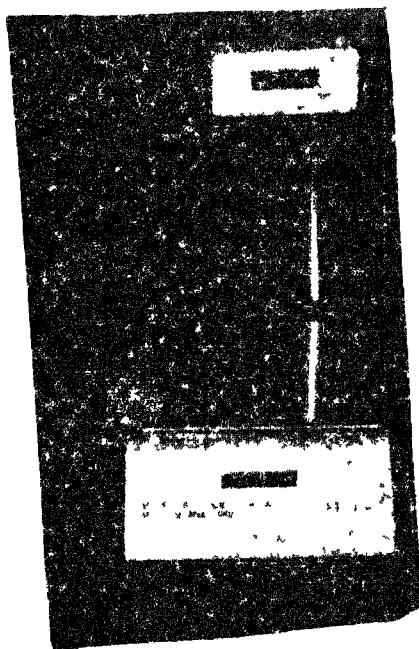
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1206.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) belonging to medium accuracy (Accuracy Class III) with digital display of SS series with the brand name 'Setra' (herein referred to as the model) manufactured by M/s Setra Scale Industries, 113, 1st floor, Matra Wadi Road, Dahisar (W), Mumbai-400068 and which is assigned the approval mark IND/09/2000/143,

The said Model (see the figure) is non-automatic weighing instrument (Table top type). The maximum capacity is 10kg and minimum capacity 40g. The value of verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of size 200×220 mm. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further in exercise of the powers conferred by sub-section (12) of section 36 of the said Act the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity upto 50 kg with number of verification scale division (n) less than or equal to 10 000 ( $n \leq 10,000$ ) and with a value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which the approved Model has been manufactured

[F NO WM-21(82)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

का०आ० 1207.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सिद्रा स्केल इंडस्ट्रीज़, 113, प्रथम तल, मास्ते वाडी मार्ग, दहीसर (प.) मुंबई-400068 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एस एस", श्रृंखला के अंकीय सूचन सहित अस्वचालित तोलन उपकरण तोलन उपकरण, (प्लेटफार्म प्रकार का) के माडल का, जिसके ब्रांड का नाम "सिद्रा" है। (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/144 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करता है।

उक्त माडल (आकृति देखें) अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है जिसकी अधिकतम क्षमता 120 किलोग्राम और न्यूनतम क्षमता 500 ग्राम है। सत्यापन मापमान अन्तराल (ई) मान 10 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही वर्गाकार है जिसकी भुजाएं 600×600 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल. ई. डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी मिज़्रान, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके पत्यापन मापमान के अन्तराल (एन) की अधिकतम संख्या 1,00,000 से कम या उसके बराबर है। (एन < 1,00,000) तथा जिसका "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  और  $5 \times 10^3$  है जहां के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फ० सं० डब्ल्यू० एम० 21(82)/2000]

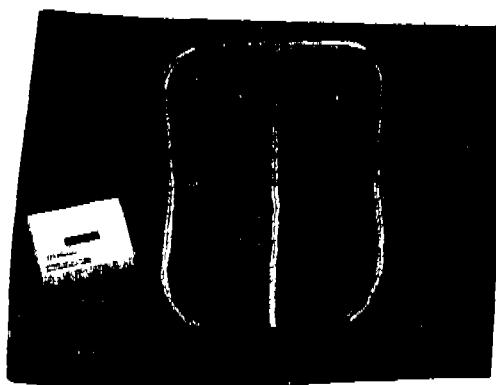
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1207.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (platform type) belonging to high accuracy (Accuracy Class II) of SS series with the brand name 'Settra' (here in referred to as the model) manufactured by M/s. Settra Scale Industries, 113, 1st floor, Matre Wadi Road, Dahisar (W) Mumbai-400068 and which is assigned the approval mark IND/09/2000/144;

The said Model (see the figure ) is a non-automatic weighing instrument (platform type). The maximum capacity is 120kg and minimum capacity 500g. The value of verification scale interval (e) is 10g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of square shape of side 600×600 mm. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne with number of verification scale division (n) less than or equal to 1,00,000 ( $n \leq 1,00,000$ ) and 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(82)/2000]

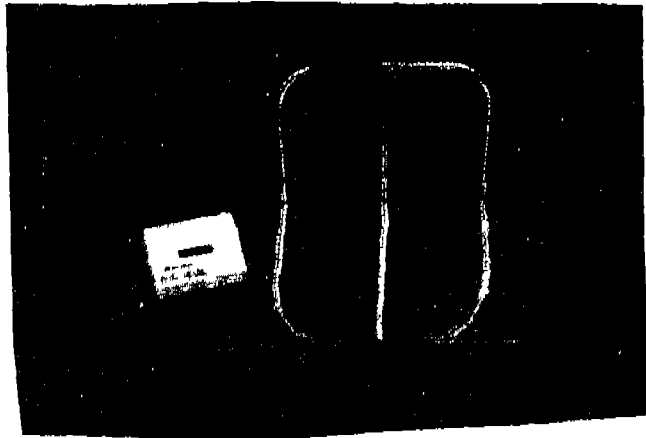
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

**का०आ० 1208.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम 1976 (1976 का 60) और बाट और माप मानक (माडलो का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा,

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सिद्धा स्केल इंडस्ट्रीज, 113, प्रथम तल, मात्रे बाड़ी मार्ग, दहीसार (प) मुबई-400068 द्वारा विनिर्मित मध्यम ऋणार्थता (यथार्थता बग III) वाल "एस एस" श्रृंखला के अकीय सूचन सहित अस्थचालित तालन उपकरण उपकरण तालन (प्लेटफार्म प्रकार का) के माडल का, जिसके ग्राह का नाम "सिद्धा" है। (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डा/09/2000/145 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (आकृति देखें) अस्थचालित (प्लेटफार्म प्रकार का) तालन उपकरण है जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अन्तराल (ई) मान 20 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक भारित आधेयतुलन प्रभाव है। भारग्राही वर्गाकार है जिसका भुजाएं 600×600 मि मी है। प्रकाश उत्पन्नक टायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उम्मी मेक, यथार्थता और कार्यपालन वाले ऐसे तालन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान के अन्तराल (एन) की अधिकतम सख्या 10,000 से कम या उसके बराबर है (एन ≤ 10,000) तथा जिसका "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  और  $5 \times 10^*$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० म० डब्ल्यू० एम० 21(82)/2000]

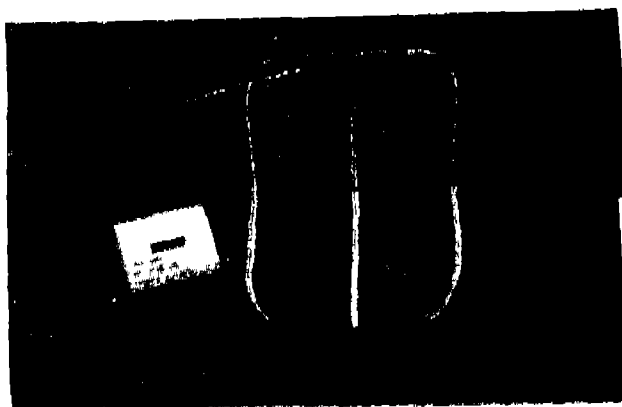
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1208.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (platform type) belonging to medium accuracy (Accuracy Class III) of SS series with brand name "Settra" (here in referred to as the model) manufactured by M/s. Settra Scale Industries, 113, 1st floor, Matre Wadi Road Dahisar (W) Mumbai-400068 and which is assigned the approval mark IND/09/2000/145;

The said Model (see the figure) is non-automatic weighing instrument (platform type). The maximum capacity is 100kg and the minimum capacity 400g. The value of verification scale interval (e) is 20g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of square shape of side 600×600 mm. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne with number of verification scale division (n) less than or equal to 10,000 ( $n \leq 10,000$ ) and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , K being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(82)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

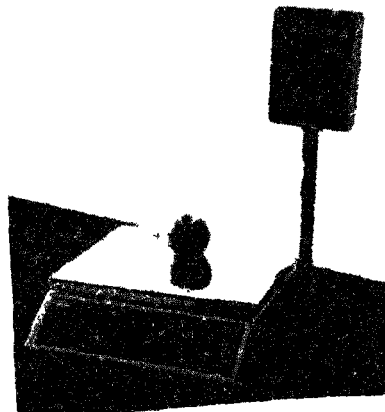


नई दिल्ली, 24 मई, 2001

का०आ० 1209.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स रासी इंजीनियरिंग वर्क्स, पोस्ट बाक्स नं. 1537, बाई पास रोड, उक्कडम, कोयम्बटूर, 641001 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "आर डी टी-101" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके ब्रांड का नाम "रासी डिगि" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/274 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (नीचे दी गई आकृति) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही आयताकार खंड का है जिसकी भुजाएं 270×340 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्रा. "ई" मान के लिए 100 से 10,000 की रेंज में और सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक "ई" मान के लिए 500 से 10,000 की रेंज में तथा जिनका "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  और  $5 \times 10^{-6}$  है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फ० सं० डब्ल्यू० एम०-21(153)/2000]

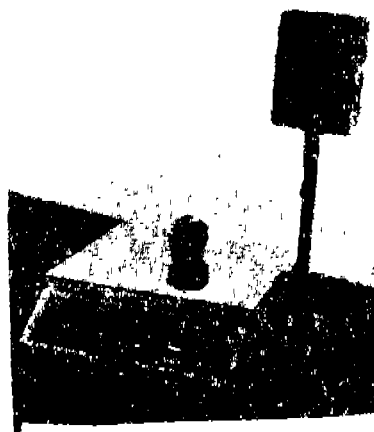
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1209.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) belonging to Medium Accuracy (Accuracy class II) with digital display of 'RD-T-101' series with brand name "Rasi Digi" (herein referred to as the Model) manufactured by M/s Rasi Engineering Works, Post Box No. 1537, By Pass Road, Ukkadam, Coimbatore-641001 and which is assigned the approval mark IND/09/2000/274;

The said Model (the figure given below) is non-automatic weighing instrument. The maximum Capacity is 30 kg and minimum capacity of 100 g. The value of verification scale interval (e) is 5 g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of said 270×340 millimetre. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with number of verification scale interval (n) in the range 100 to 10,000 for 'e' value of 100 mg. to 2 g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved Model has been manufactured.

[F. No. WM-21(153)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

का०आ० 1210.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स रासी इंजीनियरिंग वर्क्स, पोस्ट बाक्स नं. 15 37, बाई पास रोड, उक्कडम, कोयम्बटूर, -641001 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "आर डी सी के-601" शृंखला के अस्वच्छालित, अंकक सूचन सहित तोलन उपकरण (प्लेट फार्म मशीन के लिए संपरिवर्तन किट) के माडल का, जिसके ब्रांड का नाम "रासी डिगी" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/276 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (नीचे दी गई आकृति) अस्वच्छालित तोलन उपकरण है। इसकी अधिकतम क्षमता 300 किलोग्राम और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्राम है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। भारग्राही आयताकार खंड का है जिसकी भुजाएं 630×400 मि. मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्रा. या अधिक "ई" मान के लिए 500 से 10,000 की रेंज में तथा जिनका "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  और  $5 \times 10^*$  है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(153)/2000]

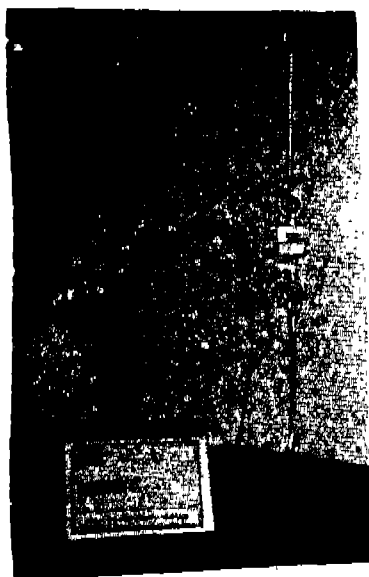
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1210.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (conversion-kit for platform machine) belonging to Medium Accuracy (Accuracy class III) with digital display of 'RD-CK-601' series with brand name "Rasi Digi" (herein referred to as the Model) manufactured by M/s Rasi Engineering Works, post Box No. 15, 37, By Pass Road, Ukkadam, Coimbatore-641001 and which is assigned the approval mark IND/09/2000/276;

The said Model (the figure given below) is non-automatic weighing instrument. The maximum capacity is 3000 kg and minimum capacity of 1kg. The value of verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of side 630×400 millimetre. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved Model has been manufactured.

[F. No. WM-21(153)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

का०आ० 1211.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स शिमदजु (इंडिया) प्रा. लि. चौथा तल, "टैपल टावर" 476 अन्ना सलाई, नंदनम, चेन्नई-600035 द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग 1) वाले "ए डब्ल्यू-320" शृंखला के अस्वच्छालित तोलन उपकरण (टेबल टाप प्रकार) के माडल का जिसके बांड का नाम "शिमदजु" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन बिड आई एन डी/09/2000/244 समुनिदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति दी गई है) टेबल टाप प्रकार का अस्वच्छालित तोलन उपकरण है। इसकी अधिकतम क्षमता 320 ग्राम और न्यूनतम क्षमता 100 मि. ग्राम है। सत्यापन मापमान (ई) का मान 1 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवस्थानात्मक भारित आधेयतुलन प्रभाव है। भारग्राही आयताकार खंड का है जिसकी भुजाएं 80 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती भारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 1 मि.ग्रा. के बराबर या उससे अधिक "ई" मान के लिए 50000 के बराबर या उससे अधिक है तथा जिनका "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  और  $5 \times 10^{-6}$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ फा० सं० डब्ल्यू० एम० 21(155)/2000 ]

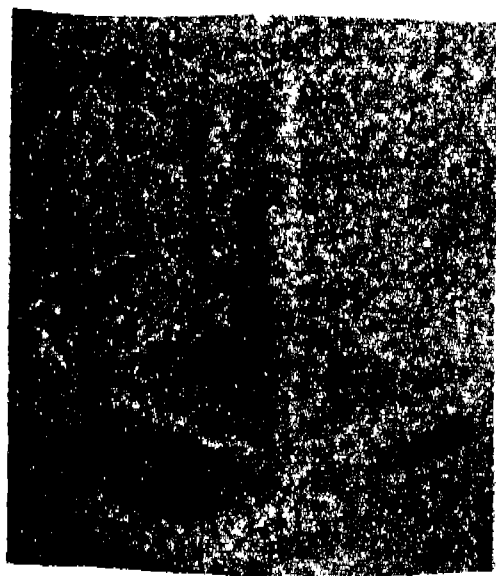
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1211.**—Whereas the Central Government after considering the report submitted to it by the prescribed authority is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) belonging to special accuracy (accuracy class I) of 'AW-320' series with brand name 'Shimadzu' (herein referred to as the model), manufactured by M/s Shimadzu (India) Private Ltd. IV floor, 'Temple Tower' 476, Anna Salai, Nandanam, Chennai-600035 and which is assigned the approval mark IND/09/2000/244,

The said Model (the figure given) is a non-automatic weighing instrument (Table top type) The maximum capacity is 320 g, and minimum capacity 100mg The value of verification scale interval (e) is 1mg It has a tare device with a 100 per cent subtractive retained tare effect The load receptor is of rectangular section of said 80 mm The light emitting diode (LED) display indicates the weighing result The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with number of verification scale interval (n) equal to or more than 50,000 and with 'e' value equal to or more than 1 mg and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , where k being is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured

[F No WM-21(155)/2000]

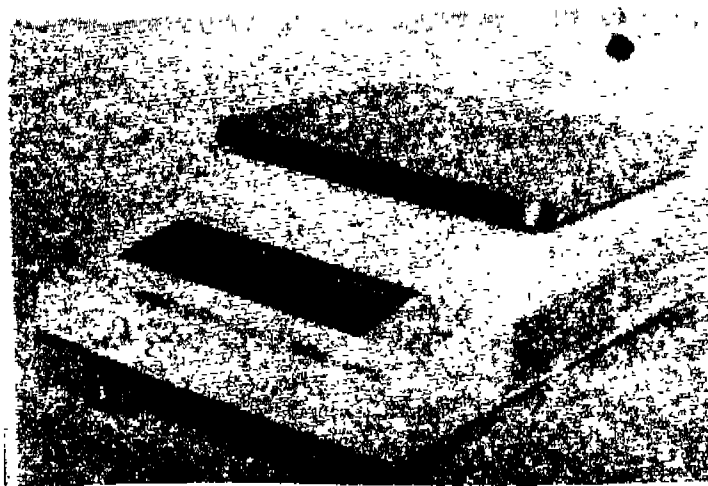
P A KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

का०आ० 1212.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स शिमदजु (इंडिया) प्रा. लि. चौथा तल, "टेंपल टावर" 476 अन्ना सलाई, नंदम, चेन्नई-600035 द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग I) वाले "बी एल" श्रृंखला के अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके ब्रांड का नाम "शिमदजु" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/2000/245 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति दी गई है) टेबल टाप प्रकार का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 2200 ग्राम और न्यूनतम क्षमता 1 ग्राम है। सत्यापन मापमान (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। भाराही आयताकार खंड का है जिसकी भुजाएं 160×130 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 1 मि.ग्रा. के बराबर या उससे अधिक "ई" मान के लिए 50,000 के बराबर या उससे अधिक है तथा जिनका "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  और  $5 \times 10^{-6}$  है जिनमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ पत्र० सं० डब्ल्यू० एम० 21(155)/2000 ]

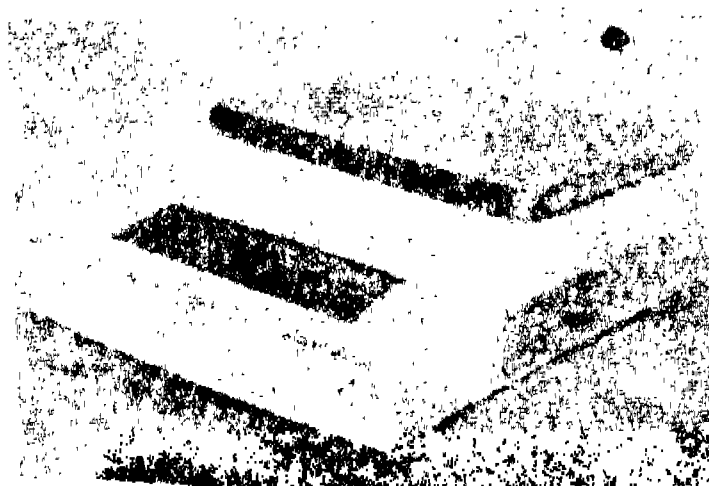
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1212.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (table top type) belonging to special accuracy (accuracy class I) of 'BL' series with brand name 'Shimadzu' (herein referred to as the model), manufactured by M/s Shimadzu (India) Private Ltd., IV floor, 'Temple Tower' 476, Anna Salai, Nandanam, Chennai-600035 and which is assigned the approval mark IND/09.2000/245;

The said Model (the figure given) is a non-automatic weighing instrument (Table top type). The maximum capacity is 2200g., and minimum capacity 1g. The value of verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of said 160×130 mm. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with number of verification scale interval (n) equal to or more than 50,000 and with 'e' value equal to or more than 1 mg. and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , where k being is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured

[F No. WM-21(155)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

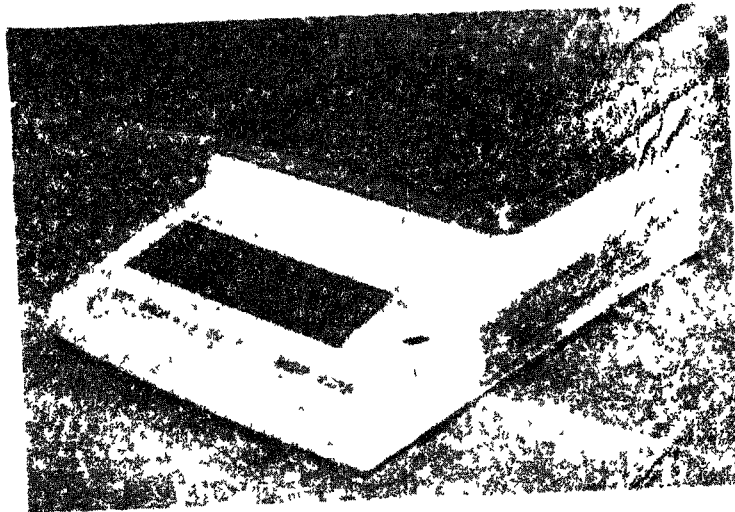


नई दिल्ली, 24 मई, 2001

का०आ० 1213.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपना कार्यता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स शिमदजु (इंडिया) प्रा. लि. चौथा तल, "टेंपल टावर" 476, अन्ना सलाई, नंदनम, चेन्नई-600035 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "बी एल" शृंखला के अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के माडल का जिसके ब्रांड का नाम "शिमदजु" है (जिसे इसमें इसके पश्चात् मानक कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/246 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति दी गई है) टेबल टाप प्रकार का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 200 ग्राम न्यूनतम क्षमता 5 ग्राम है। सत्यापन मापमान (ई) का मान 100 मि. ग्रा. है। इसमें एक आग्नेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आग्नेयतुलन प्रभाव है। भारग्राही आयताकार खंड का है जिसकी भुजाएं 160×130 मि.मो. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी माभग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिसके सत्यापन मापमान अन्तराल (एन) की संख्या 1 मि.ग्रा. से 50 मि. ग्रा. तथा "ई" मान के लिए 100 से 100,000 की रेंज में और सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्रा. या अधिक "ई" मान के लिए 5000 से 100,000 की रेंज में है तथा जिनका "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  और  $5 \times 10^3$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(155)/2000]

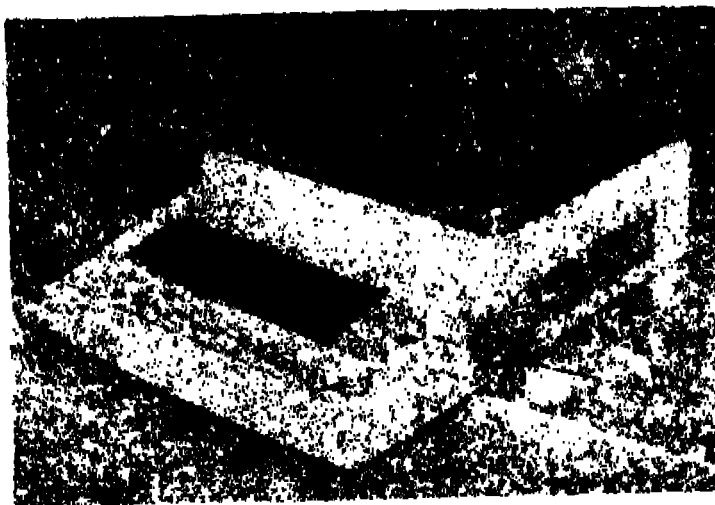
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

S. O. 1213.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (63 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (table top type) belonging to high accuracy (accuracy class II) of 'BL' series with brand name 'Shimadzu' (herein referred to as the model), manufactured by M/s. Shimadzu (India) Private Ltd., IV floor, 'Temple Tower' 476, Anna Salai, Nandanam, Chennai-600035 and which is assigned the approval mark IND/09/2000/246,

The said Model (the figure given) is a non-automatic weighing instrument (Table top type) The maximum capacity is 3200 g, and minimum capacity 5 g. The value of verification scale interval (e) is 100 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of said 160×130 mm. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 100,000 for 'e' value 1 mg to 50 mg and with number of verification scale interval (n) in the range 5000 to 100,000 for 'e' value of 100 mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved model has been manufactured.

[F. No. WM-21(155)/2000]

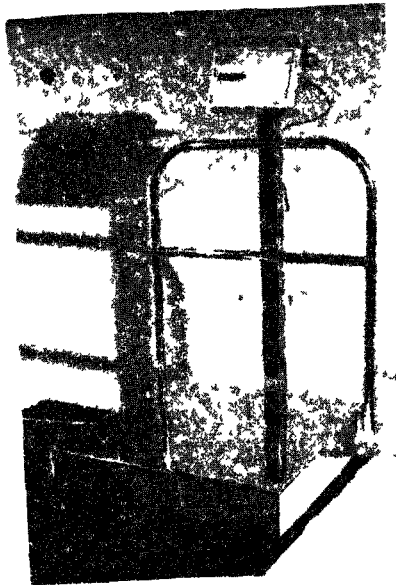
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 मई, 2001

**का०आ० 1214.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलो का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात का सभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स रासी इंजीनियरिंग वर्क्स, पोस्ट बाक्स नं० 1537, वाई पास रोड, उक्कडम, कोयम्बटूर, 641001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग II) वाले “आर डी पी-201” श्रृंखला के अस्वचालित जंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “रासा डिगि” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/275 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 300 किलोग्राम, न्यूनतम क्षमता 1 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही वर्गाकार खंड का है जिसकी भुजाएं 600×600 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्राम या अधिक “ई” मान के लिए 500 से 10 000 की रेंज में तथा जिनका “ई” मान  $1 \times 10^6$ ,  $2 \times 10^6$  और  $5 \times 10^6$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(153)/2000]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th May, 2001

**S. O. 1214.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) belonging to medium accuracy (accuracy class III) with digital display of 'RD-P-201' series with brand name 'Rasi Digi' (herein referred to as the model), manufactured by M/s. Rasi Engineering Works, Post Box No. 15, 37, By Pass Road, Ukkadam, Coimbatore-641001 and which is assigned the approval mark IND/09/2000/275.

The said model (the figure given below) is non-automatic weighing instrument. The maximum capacity is 300 kg and minimum capacity of 1 kg. The value of verification scale interval (e) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 600×600 mm. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'c' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , where k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F No WM-21(153)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 25 मई, 2001

का०आ० 1215.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्राग्मेटिक टेक्नोलोजीज इंडिया (प्राइवेट) लिमिटेड, 1956-बी, त्रिची मार्ग, रामनाथनपुरम, कोयम्बटूर-641045 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "मेट्रिक्स पी आर" शृंखला के अंकीय सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का जिसके ब्रांड का नाम "मेट्रिक्स पी आर" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/267 समुनिदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति दी गई है) अस्वचालित तोलन उपकरण है जिसकी अधिकतम क्षमता 12 किलोग्राम और न्यूनतम क्षमता 50 ग्राम है। सत्यापन मापमान (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही वर्गाकार है जिसकी भुजाएं 300×300 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 1 मि. ली. से 50 मि.ली. "ई" मान के लिए 100 से 100,000 की रेंज में और सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्रा. या अधिक "ई" मान के लिए 5000 से 100,000 की रेंज में हैं तथा जिनका "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  और  $5 \times 10^*$  है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(168)/2000]

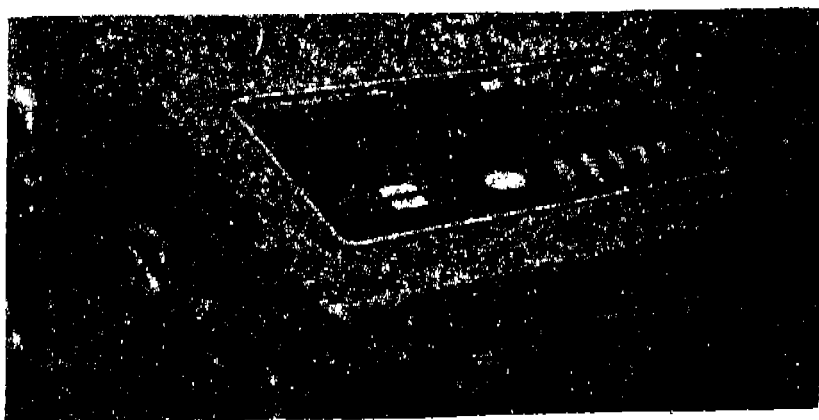
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th May, 2001

**S. O. 1215.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of its Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument with digital display (Table top type) 'MATRIX-PR' belonging to high accuracy (accuracy class II) with brand name 'MATRIX-PR' (herein referred to as the model), manufactured by M/s. Pragmatic Technologies India (P.) Ltd., 1956-B, Trichy Road, Ramanathanpuram, Coimbatore-641045 and which is assigned the approval mark IND/09/2000/267;

The said Model (the figure given) is non-automatic weighing instrument. The maximum capacity is 12kg., and minimum capacity 50g. The value of verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 300×300 millimetre. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with number of verification scale division (n) in the range 100 to 100,000 for 'e' value 1mg. to 50mg. and with number of verification scale interval (n) in the range 5000 to 100,000 for 'e' value of 100 mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero are also covered under this model.

[F. No. WM-21(168)/2000]

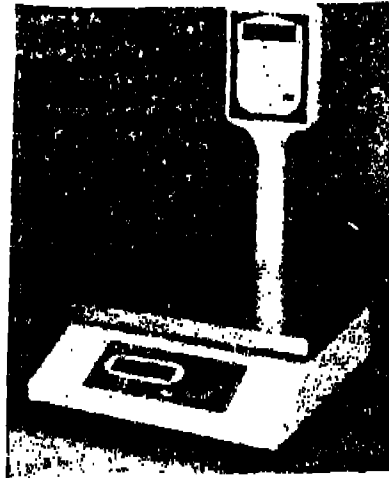
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 25 मई, 2001

**का०आ० 1216.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रागमेटिक टेक्नोलोजीज इंडिया (प्राइवेट) लिमिटेड, 1956-बी, त्रिची मार्ग, रामनाथनपुरम, कोयम्बटूर, -641045 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग III) वाले "मेट्रिक्स टी टी" शृंखला के अंकीय प्रदर्श सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "मेट्रिक्स टी टी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/268 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति दी गई है) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान (ई) का मान 2 ग्राम है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। भारग्राही आयताकार है जिसकी भुजाएं 230×300 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वॉल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 100 मि.ग्रा. से 2 ग्राम "ई" मान के लिए 100 से 10,000 की रेंज में और सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्रा. या अधिक "ई" मान के लिए 500 से 10,000 की रेंज में है और तथा जिनका "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  और  $5 \times 10^{-6}$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(168)/2000]

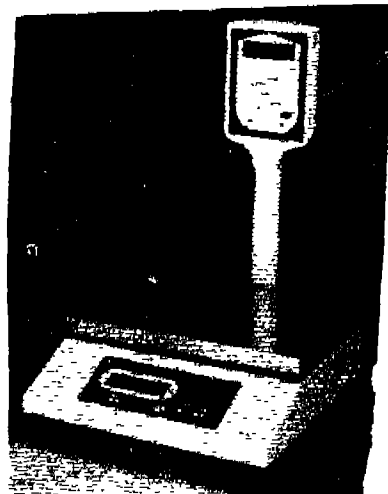
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th May, 2001

**S. O. 1216.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument with digital display (Table top type) 'MATRIX-TT' belonging to medium accuracy (Accuracy class III) with brand name 'MATRIX-TT' (herein referred to as the model), manufactured by M/s. Pragmatic Technologies India (P.) Ltd., 1956-B, Trichy Road, Ramanathanpuram, Coimbatore-641045 and which is assigned the approval mark IND/09/2000/268;

The said model (the figure given) is non-automatic weighing instrument. The maximum capacity is 10kg., and minimum capacity 40g. The value of verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of side 200×300 millimetre. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with number of verification scale Division (n) in the range 100 to 10,000 for 'e' value 100mg to 2g. and with number of verification scale interval (n) in the range 5000 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero are also covered under this model

[F No. WM-21(168)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology



नई दिल्ली, 25 मई, 2001

का०आ० 1217.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा पस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्राग्मेटिक टेक्नोलॉजी इंडिया (प्राइवेट) लिमिटेड, 1956-बी, त्रिची मार्ग, रामनाथनपुरम, कोयम्बटूर, 641045 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "मेट्रिक्स पी एफ" शृंखला के अंकीय प्रदर्श सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का जिसके ब्रांड का नाम "मेट्रिक्स पी एफ" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/269 दिया गया है अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति दी गई है) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 किलोग्राम न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान (ई) का मान 20 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही वर्गाकार है जिसकी भुजाएं 600×600 मि.मी. हैं। प्रकाश उत्पन्नक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5000 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक "ई" मान के लिए 500 से 10,000 की रेंज में तथा जिनका "ई" मान  $1 \times 10^{-3}$ ,  $2 \times 10^{-3}$  और  $5 \times 10^{-3}$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम० 21(168)/2000]

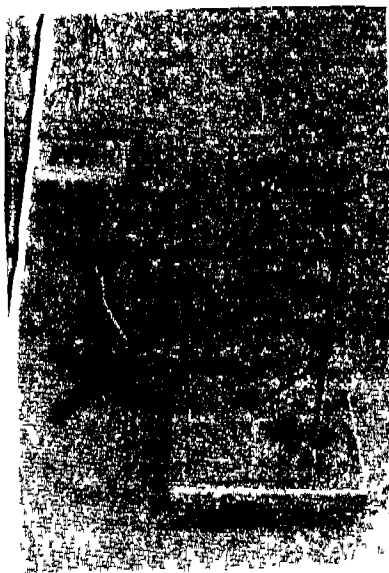
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 25th May, 2001

**S. O. 1217.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument with digital display (Platform type) of MATRIX-PI<sup>2</sup> belonging to medium accuracy (accuracy class III) with brand name MATRIX-PF (herein referred to as the model), manufactured by M/s Pragmatic Technologies India (P) Ltd., 1956-B, Trichy Road Ramanathanpuram Coimbatore-641045 and which is assigned the approval mark IND/09/2000/269,

The said Model (the figure given below) is non automatic weighing instrument. The maximum capacity is 100kg and minimum capacity of 400g. The value of verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 600×600 mm. The Light emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar type, accuracy and performance of same series with maximum capacity upto 5000 kg and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  and  $5 \times 10^k$  k being a positive or negative whole number or equal to zero are also covered under this model.

[F No WM-21(168)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 मई, 2001

का. आ. 1218— केन्द्रीय सरकार ने पेट्रोलियम और स्वनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2568 तारीख 17 नवम्बर 2000 द्वारा हरियाणा राज्य के कुरुक्षेत्र से उत्तर प्रदेश राज्य के सहारनपुर तक पेट्रोलियम उत्पादों के परिवहन के लिए शाखा पाइपलाइन बिछाने के प्रयोजन हेतु इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 8 दिसम्बर 2000 को उपलब्ध करा दी गई थी;

और, उक्त अधिनियम की धारा 6 उपधारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लिंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तहसील : थानेसर

जिला : कुरुक्षेत्र

राज्य : हरियाणा

गांव का नाम	हदबस्त सं०	मुस्तील सं०/ किला सं०	क्षेत्र		
			हेक्टेयर	एड्डर	वर्गमीटर
1	2	3	4	5	6
बीड़ मथाना	363	46	—	01	52
मथाना	364	266	—	08	35
		556/1	—	01	77
		967	—	00	76
उनटेड़ी	342	1182/2	—	02	02
		1193/2	—	00	76
सौन्टी	340	668/21	—	03	29
		669/21/1	—	06	83
		39/1	—	02	53
		148	—	00	76
बीड़ सौन्टी	341	20/21	—	02	02
लाडवा	76	56/5/1	—	01	77
		110	—	01	77
बुढा	61	4/16	—	00	25
		5/18	—	00	51
		64	—	02	78
बन	62	79/27	—	14	17
		109	—	01	52
		357	—	00	76
जम्हेड़ा	66	891/436	—	07	58
		689	—	01	52
		763	—	16	70

[सं. आर.-31015/44/2000-ओ. आर. 1]

एस. चन्द्रशेखर, अवर सचिव

## Ministry of Petroleum and Natural Gas

New Delhi, the 30th May, 2001

S. O. 1219.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2568 dated the 17<sup>th</sup> November, 2000, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands, specified in the Schedule appended to that notification for the purpose of laying branch pipeline for the transport of petroleum products from Kurukshetra in the State of Haryana to Saharanpur in the State of Uttar Pradesh;

And, whereas, the copies of the said Gazette notification were made available to the public from the 8<sup>th</sup> day of December, 2000;

And, whereas, the competent authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And, whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule appended to this notification are hereby acquired;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

## Schedule

Tehsil : Thanesar		District : Kuruksnetra		State : Haryana	
Name of Village	Had bast	Mustateel No/	Area		
	No.	Killa No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Bir Mathana	363	46	-	01	52
Mathana	364	266	-	08	35
		556/1	-	01	77
		967	-	00	76
Untehn	342	1182/2	-	02	02
		1193/2	-	00	76
Seonti	340	658/21	-	03	29
		659/21/1	-	06	83
		39/1	-	02	53
		148	-	00	76
Bir Seonty	341	20/21	-	02	02
Ladwa	76	56/5/1	-	01	77
		110	-	01	77
Budha	61	4/16	-	00	25
		5/18	-	00	51
		64	-	02	78
Ban	62	79/27	-	14	17
		109	-	01	52
		357	-	00	76
Jandhera	66	891/436	-	07	58
		689	-	01	52
		763	-	16	70

[No. R-31015/44/2000 OR-I]

S CHANDRASEKHAR, Under Secy.

नई दिल्ली, 30 मई, 2001

का. आ. 1219— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे अनुसूची में यथा उल्लिखित तारीखों की अधिसूचना का.आ. संख्याओं द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में सभी विल्लंगमों से मुक्त, उपयोग का अधिकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित किया था;

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पादों के परिवहन के प्रयोजन के लिए हरियाणा राज्य में सोनीपत से उत्तर प्रदेश राज्य में मेरठ तक उक्त भूमि में पाइपलाइन बिछाई जा चुकी है, अतः उन भूमियों के बारे में प्रचालन की समाप्ति की जाए जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट किया गया है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अधीन यथा अपेक्षित, प्रचालन की समाप्ति की तारीखों के रूप में, उक्त अनुसूची के स्तम्भ 6 में उल्लिखित तारीखों की घोषणा करती है।

## अनुसूची

का.आ.सं.व तारीख	गांव का नाम	तहसील	ज़िला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6
947—24.03.1999	रोहट	सोनीपत	सोनीपत	हरियाणा	17 अगस्त 2000
947—24.03.1999	हरसाना कलां	सोनीपत	सोनीपत	हरियाणा	22 अगस्त 2000
1554—26.05.1999	हरसाना कलां	सोनीपत	सोनीपत	हरियाणा	22 अगस्त 2000
947—24.03.1999	बन्देपुर	सोनीपत	सोनीपत	हरियाणा	25 मई 2000
1554—26.05.1999	बन्देपुर	सोनीपत	सोनीपत	हरियाणा	25 मई 2000
947—24.03.1999	राठधाना	सोनीपत	सोनीपत	हरियाणा	23 मई 2000
947—24.03.1999	लिवासपुर	सोनीपत	सोनीपत	हरियाणा	21 मई 2000
947—24.03.1999	राई	सोनीपत	सोनीपत	हरियाणा	2 जून 2000
947—24.03.1999	आसावरपुर	सोनीपत	सोनीपत	हरियाणा	23 मई 2000
947—24.03.1999	औरंगाबाद	सोनीपत	सोनीपत	हरियाणा	2 जून 2000
947—24.03.1999	जाखौली	सोनीपत	सोनीपत	हरियाणा	31 मई 2000
1554—26.05.1999	जाखौली	सोनीपत	सोनीपत	हरियाणा	31 मई 2000
947—24.03.1999	पबसरा	सोनीपत	सोनीपत	हरियाणा	31 मई 2000
947—24.03.1999	मनौली	सोनीपत	सोनीपत	हरियाणा	3 जून 2000

[स आर -25011/6/2001-ओ आर I]

एस चन्द्रशेखर, अवर सचिव



New Delhi, the 30th May, 2001

S. O. 1219.— Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. and date as mentioned in the Schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the right of user in the lands specified in the Schedule appended to that notification;

And whereas, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances in the Indian Oil Corporation Limited;

And whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transport of Petroleum Products from Sonapat in the State of Haryana to Meerut in the State of Uttar Pradesh has been laid in the said lands, so the operation may be terminated in respect of the lands the description of which in brief is specified in the Schedule annexed to this notification;

Now, therefore, as required under rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declare the dates mentioned in column 6 of the said Schedule as the date of termination of operation.

## SCHEDULE

S.O. No. & Date	Name of Village	Tehsil	District	State	Date of Termination of Operation
1	2	3	4	5	6
947-24.03.1999	Rohat	Sonepat	Sonepat	Haryana	17th August 2000
947-24.03.1999	Harsana Kalan	Sonepat	Sonepat	Haryana	22nd August 2000
1554-26-05.1999	Harsana Kalan	Sonepat	Sonepat	Haryana	22nd August 2000
947-24.03.1999	Bandepur	Sonepat	Sonepat	Haryana	25th May 2000
1554-26.05.1999	Bandepur	Sonepat	Sonepat	Haryana	25th May 2000
947-24.03.1999	Rathdhana	Sonepat	Sonepat	Haryana	23rd May 2000
947-24.03.1999	Liwaspur	Sonepat	Sonepat	Haryana	21st May 2000
947-24.03.1999	Rai	Sonepat	Sonepat	Haryana	2nd June 2000
947-24.03.1999	Asawarpur	Sonepat	Sonepat	Haryana	23rd May 2000
947-24.03.1999	Aurangabad	Sonepat	Sonepat	Haryana	2nd June 2000
947-24.03.1999	Jakholi	Sonepat	Sonepat	Haryana	31st May 2000
1554-26.05.1999	Jakholi	Sonepat	Sonepat	Haryana	31st May 2000
947-24.03.1999	Pabsara	Sonepat	Sonepat	Haryana	31st May 2000
947-24.03.1999	Manauli	Sonepat	Sonepat	Haryana	3rd June 2000

[No. R-25011/6/2001 OR-I]  
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 31 मई, 2001

का. आ. 1220— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 435 तारीख 03.03.2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, केरल राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड, इरिम्पानम, कोचीन के इरिम्पानम संस्थापन से तमिलनाडु राज्य में करूर तक मोटर स्प्रिट, उच्च कोटि किरोसीन तेल और उच्च वेग डीजल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए अधिकार का अर्जन करने के अपने आशय की घोषणा की थी और यह भी घोषणा की थी कि पाइपलाइन मैसर्स पेट्रोनेट सी.सी.के. लिमिटेड द्वारा बिछाई जानी चाहिए;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को 22.3.2001 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह और निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लगमों से मुक्त, पेट्रोनेट सी.सी.के. लिमिटेड में निहित होगा ।

## अनुराची

तालुका- कोयम्बूर (राशिम)		जिला- कोयम्बूर	राज्य - तमिलनाडु	
गांव का नाम	सर्वेक्षण संख्या	हेक्टेयर	क्षेत्र आरे	वर्ग मी
1	2	3	4	5
मधुकराई	547 / 3	0	00	12
	548 / 3	0	00	78
	559 / 3C	0	00	24
	559 / 3B	0	00	08
सीरापालायाम	499 / 3	0	02	81
	555 / 3	0	01	98

तालुका- पालाडेम		जिला- कोयम्बूर	राज्य - तमिलनाडु	
गांव का नाम	सर्वेक्षण संख्या	हेक्टेयर	क्षेत्र आरे	वर्ग मी
1	2	3	4	5
ओडर पालायाम	14 / 2C	0	01	18
	22 / 2	0	01	07
इरगुर	442 / 2	0	03	11

[सं. आर.-31015/3/2001-ओ. आर. II]

हरीश कुमार, अवर सचिव

New Delhi, the 31st May, 2001

**S. O. 1220.—** WHEREAS by a Notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 435, dated the third March, 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the said land, specified in the Schedule appended to that notification, for the purpose of laying pipeline for the transport of Motor Spirit, Superior Kerosene Oil, and High Speed Diesel from Irimpanam Installation of Bharat Petroleum Corporation Limited, Irimpanam, Cochin in the State of Kerala to Karur in the State of Tamil Nadu and pipeline should be laid by M/s. Petronet CCK Limited;

And Whereas, copies of the said Gazette Notification was made available to the public on 22.03 2001;

And, Whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And further, Whereas, the Central Government after considering the said report, decided to acquire the right of the user in the lands specified in the Schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired for laying the pipe line

AND further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall, instead of vesting in the Central Government, vest on this date of the publication of this declaration, in the Petronet CCK Limited free from all encumbrances.

**SCHEDULE****TALUK: COIMBATORE (SOUTH)****DISTRICT: COIMBATORE****STATE: TAMIL NADU**

NAME OF THE VILLAGE	S.F. NO.	AREA		
		HECTARES	ARES	SQ. MTS.
1	2	3	4	5
Madukarai	547 / 3	0	00	12
	548 / 3	0	00	78
	559 / 3C	0	00	24
	559 / 3B	0	00	08
Seerapalayam	499 / 3	0	02	81
	555 / 3	0	01	98

**TALUK: PALLADAM****DISTRICT: COIMBATORE****STATE: TAMIL NADU**

NAME OF THE VILLAGE	S.F. NO.	AREA		
		HECTARES	ARES	SQ. MTS.
1	2	3	4	5
Odderpalayam	14 / 2C	0	01	18
	22 / 2	0	01	07
Irugur	442 / 2	0	03	11

[No. R-31015/3/2001 OR-II]  
HARISH KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 4 मई, 2001

का. आ. 1221.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एयर इंडिया लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[सं. एल-11012/1/99-आई आर (सी-1)]

एस.एस. गुप्ता, अधर सचिव

## MINISTRY OF LABOUR

New Delhi, the 4th May, 2001

S.O.1221.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Air India and their workman, which was received by the Central Government on 3-5-2001.

[No. L-11012/1/99-IR (C-1)]

S.S. GUPTA, Under Secy.

## ANNEXURE

BEFORE SHRI KESHAV SARAN SRIVASTAV:  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 141/99

General Secretary,  
Air India Employees Sangh,  
156A/AZB, MIG Flats,  
Paschim Vihar,  
New Delhi

Versus

Director,  
Air India Ltd.,  
Delhi Region,  
Hansalaya Building,  
Barakhamba Road,  
New Delhi

PRESENT : None for the workman.  
Sh. Suvesh Srivastav for the  
management.

## AWARD

This is an Industrial Dispute referred to by the Central Government in the Ministry of Labour under Section 10 (1)(d) and 2(A) of Industrial Dispute 1532 GI/2001—14

Act, 1947, vide its order No. L-11012/1/99-C-1, dated 17-5-99 for the adjudication of the following terms:

“Whether the 44 Handimen working in operational area as Loaders are entitled to payment of performance linked Incentive (PLI) benefit w.e.f. 1-5-96 at the rates as allowed to the Loaders by the Air India. If so, what orders are necessary.”

After filing of the Claim petition by the workman and before the filing of the WS by the Management, the management has moved this application dated 10-4-2001 praying for giving a No Dispute Award in the case. It is stated in the application that the management has considered the requests of the workman for the release of the payment of performance linked incentives to the loaders. It is also stated that the said payment was accepted as per settlement dated 31-5-96 arrived at between the management and the Air India Employees vide as prayed by the workman in the Statement of Claim and the management has made payment for the period from the May 1966 to the Month of May 1997.

3. Despite the time given to the workman No objection against the Management application could be filed by the workman and the workman remained absent.

4. In view of the fact a No Dispute Award is given in the case.

27-4-2001

K.S. SRIVASTAV, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1222.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एयर इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[सं. एल-11012/1/99-आई आर (सी-1)]

एस.एस. गुप्ता, अधर सचिव

New Delhi, the 4th May, 2001

नई दिल्ली, 4 मई, 2001

S.O.1222.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India and their workman, which was received by the Central Government on 3-5-2001.

[No.L-11012/19/99-IR (C-I)]  
S.S. GUPTA, Under Secy.

## ANNEXURE

BEFORE SHRI KESHAV SARAN SRIVASTAV:  
PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL:  
NEW DELHI

I.D. No. 191/99

Sh. Bobby C. Lal,  
C-307, DDA Flats,  
Kalkaji,  
New Delhi-110019

Versus

The General Manager,  
Air India,  
I.G.I. Airport,  
Terminal-II,  
New Delhi-110001

Present : Sh. Bobby C. Lal in person.  
Sh. Suvesh Srivastav for the  
management.

## AWARD

The Central Government in the Ministry of Labour has sent this reference under section 10(1)(d) and Sub-section 2(A) of the Industrial Dispute Act 1947 vide its order No. L-11012/19/99-I.R. (C-I) dated 24-8-99 for the adjudication of the Industrial Dispute between the parties on the following terms:

“Whether the action of the management to dismiss the Services of Sh. Bobby C. Lal, workman w.e.f. 29th November, 95 is legal and justified. If not what relief the workman is entitled to?”

After filing of the statement of claim by the workman and its reply filed by the management, the workman has moved this application dated 10-4-2001 praying for the withdrawn of this Statement of Claim filed in the case. It is also stated that he does not want to pursue in the case any further. It is not objected on behalf of the management vide endorsement made on the application. In view of the fact a ‘No Dispute Award’ is given in the case.

27-4-2001

K.S. SRIVASTAV, Presiding Officer

का.आ. 1223.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै इंडियन एयरलायन्स के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[सं. एल-11012/69/99-आईआर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 4th May, 2001

S.O.1223.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Indian Airlines and their workman, which was received by the Central Government on 3-5-2001.

[No. 11012/69/99-IR(C-I)]

S.S. GUPTA, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 17th April, 2001

PRESENT :

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 25/2001

(Tamil Nadu Industrial Tribunal I.D. No. 25/2000)

(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947, between the Petitioner Shri R. Palani and the Management, the Regional Director (South), Indian Airlines Ltd., Chennai.)

## BETWEEN

Shri R. Palani,  
Chennai.

.... Petitioner/I Party

## AND

The Regional Director (South),  
Indian Airlines Ltd.,  
Chennai.

.... Management/II Party

APPEARANCE :

For the Petitioner : M/s. A. Parthasarathy and A. Varadarajan, United Trades Union Congress Office bearers.

For the Management : S/Sri N.G.R. Prasad and S. Vaidyanathan, Advocates.

REFERENCE :

Order No. L-11012/69/99-IR(C-I) dt. 4-2-2000, Govt. of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 2-4-2001, upon perusing the reference, Claim Statement, Counter Statement, documentary evidence let in on either side and other material papers on record and upon hearing the arguments of representative of the Petitioner Sri A. Parthasarathy and counsel for the Management Sri N. G. R.



Prasad and this dispute having stood over till this date for consideration, this Tribunal passed the following:—

### AWARD

This reference by the Central Government in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947, in respect of dispute between Sri R. Palani, Petitioner and the Regional Director (South), Indian Airlines Ltd., Chennai, Management, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows:—

"Whether the action of the Management of Indian Airlines Ltd. in terminating the services of Sri R. Palani with effect from 14-3-98 is justified or not? If not, to what relief is he entitled?"

This order of reference was first made to Tamil Nadu Industrial Tribunal as an industrial dispute for adjudication. The same was taken on file in that Tribunal as I.D. No. 25/2000. On receipt of notices from that Tribunal, the representative of the I Party and the counsel for the II Party appeared before that Tribunal and filed their Claim Statement and Counter Statement respectively. Subsequently, as per the orders of transfer by the Central Government, this case was transferred from the file of Tamil Nadu Industrial Tribunal to the file of this Tribunal and was taken on file as I.D. No. 25/2001 on 10-1-2001. Notices were sent to the counsel on either side, informing them about the transfer of this case to the file of this Tribunal, with a direction to both the parties to appear before this Court with their parties to prosecute this case. Xerox copies of the documents were filed by both sides and they were marked by consent as W1 to W6 and M1 to M6. On the representation made by the representative of the I Party and the counsel for the II Party that they have no oral evidence to let in, arguments advanced on either side by them was heard and the case was posted for orders to this date.

2. The averments in the Claim Statement of the I Party/ Workman are briefly as follows:—

The Petitioner was an employee of the Respondent Airlines, served as a Technical Assistant in the Engineering Hanger (Factory) at Meenambakkam Airport. He was illegally removed from service on 14-3-98. He joined the services of the Respondent in 1966 and served till the date of removal of service without any complaint. The order for removal from service dated 14-3-98 was sent to the address at Madras by Registered Post. The Petitioner was on leave from 15-3-98 (PL) for 30 days and went to his native place Thirunelveli. The Respondent filed a petition under section 33(2)(b) of Industrial Disputes Act before the National Industrial Tribunal at Mumbai. Only after the service of the notice from the National Industrial Tribunal, Mumbai, the Petitioner was aware of his removal from service. He wrote a letter to the Respondent after return to Madras and obtained a copy of order of removal from them. He filed his Counter before the National Industrial Tribunal, Mumbai, in the approval petition filed by the Respondent. Before the National Industrial Tribunal, the authorised representative of the Petitioner and the Respondent have put forth their arguments. The authorised representative of the Petitioner sought time to file documents in support of his stand to show wrong Standing Orders was followed in this case by the Respondent/Management. As per the commitment the Petitioner sent the documents with petition and affidavit to the National Industrial Tribunal. But the Tribunal strangely passed orders and accorded the approval sought and also discussed the merits of the case. The Petitioner filed a petition under section 2A of the Industrial Disputes Act, 1947 before the Assistant Labour Commissioner (Central) at Madras. The conciliation proceedings initiated by the Assistant Labour Commissioner ended in failure. On submission of the failure of conciliation report to the Government, the Government was pleased to refer this matter for adjudication. In 1989, one Sri K. Sudalaimuthu, a Malaysian National filed a complaint with some alleged charges to that of CBI/SCB. The said Sudalaimuthu is one of the Petitioner's relative through his wife. The complaint was due to some family issues. The complaint was taken on file and a FIR was filed before the Court at Madras and during investigation, the Petitioner's house was also raided.

Nothing incriminating seized from the Petitioner's house. The CBI/SCB transferred the case to the Enforcement Directorate, since the alleged complaint said to be that the Petitioner received some 41,000 Ringits in Malaysian soil in instalments during 1987-88. The Enforcement Directorate also investigated and framed a charge under PERA, 1973, but the said Directorate dropped its action by its order dated 16-12-99. The said Malaysian filed a complaint before the CBI/SCB in 1989 and on the basis of the complaint FIR was lodged and it was filed before the Court on 31-10-89. The said Sudalaimuthu filed another complaint with the Indian Airlines Ltd. on 16-11-90 and on that basis, the Respondent has issued charge sheet to the Petitioner on 1-10-91. They were under clauses 1, 16(8) and 16(29) of Standing Orders of the Respondent. Unless the criminal complaint by Sri Sudalaimuthu is proved, the Respondent have no scope to charge the workman, the petitioner herein, as Respondent has no locus standi to take any action. Even before the concerned CBI/SCB and Directorate of Enforcement completed their investigation and found the Petitioner guilty, the Respondent appointed an Enquiry Officer for the domestic inquiry and conducted the same from 1991 to 1997. The enquiry was not in accordance with the natural justice and it is vitiated. The Respondent is having two sets of Standing Orders, one for those who are governed by the Factories Act and the other for those who are not governed under the Factories Act. The Enquiry Officer examined the MW2 in the absence of the delinquent employee in violation of principles of natural justice. The Enquiry Officer ignored in the enquiry, to see that much of the witnesses speaking through sworn affidavits, sworn in Malaysia, but none of those witnesses tendered themselves for cross-examination. The Enquiry Officer travelled beyond his reference and simply without material before him arrived at a decision that the Petitioner is guilty of the charges. Unless the charges proved by a Court of law or a prima-facie case was found by the investigating agency, the Respondent have no authority to decide that matter. The question of integrity, conduct etc. only arises after the findings of the Court. The Enquiry Officer has mentioned in his report as his finding that the defendant in receiving the foreign currency from a foreign National is a violation of law applicable to the establishment, it is erred one. The Enquiry Officer did not consider the facts given by wife and daughter of the delinquent employee and simply ignored them as interested witnesses. But the sworn affidavits of wife, daughter and others in support of the complainee sworn at Malaysia have been taken as a valid by the Enquiry Officer without an opportunity to the delinquent employee to cross examine them. The penalty imposed by the officiating Regional Director by removing the Petitioner from service is a mechanical one, without application of mind. The Enquiry Officer, who conducted the enquiry was the P.A. to the Regional Director. The Petitioner belongs to Engineering department falls under the Factories Act, 1948. The Respondent ought to have wait for the outcome of the criminal complaint and then only they have right to take step in the matter. The Respondents action is not in conformity with the justice and fairness. The action taken by the Respondent is not sustainable. The Petitioner had served about 32 years under the Respondent/Management. His date of superannuation is 1-3-2004. Since the enquiry conducted is illegal and vitiated, the orders passed by the officiating Regional Director is not sustainable one. Hence, this Tribunal may pass an award directing the Respondent to reinstate him in service with full back wages, continuity of service and all attendant benefits.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows:—

The Petitioner was working as Technical Assistant in the Engineering Department at Chennai was removed from service by an order dated 14-3-98 of the Regional Director, Indian Airlines Ltd., Southern Region, Chennai for serious misconduct. The contention of the Petitioner that he was aware of the order of removal only on receipt of notice from the National Industrial Tribunal is contrary to facts. When the Petitioner was on duty on 14-3-98, he was called by the Deputy General Manager (Engineering), Chennai to his cabin and in the presence of the other two staff the removal order dated 14-3-98 along with Cheque No. 818373 dated 14-3-98 for Rs. 11,585.75 handed over to him. The Petitioner, after going through the same, declined to

collect it and left the office. However, a telegram dated 16-3-98 was received from the Petitioner asking for 30 days privilege leave from 15-3-98. The D.G.M. (Engineering), Chennai vide his letter dated 17-3-98 made it clear to him that in view of his removal from service with effect from the close of work on 14-3-98, there was no question of granting any privilege leave to him. The said letter dated 17-3-98 and also the order of removal with a cheque was sent to the Petitioner's residential address by registered post and a copy certificate of posting. The cover sent by registered post was returned by the postal authorities with the remarks 'always door locked'. Thereafter, the General Manager (Personnel), Southern Region, Chennai, by his letter dated 1-4-98 informed the Petitioner that the registered letter together with cheque sent to the above address and returned by the postal authorities was available at his office and the Petitioner would collect the same on any working day. The Petitioner wrote a letter dated 13-4-98 contending that he was on duty on 14-3-98, the said order was not served on him and due to urgent unavoidable family issues at native place, he applied for 30 days privilege leave from 15-3-98 vide telegram dated 16-3-98. However, by letter dated 16-4-98 from the General Manager (Personnel) the Petitioner was informed of the above facts. A true copy of the final order dated 14-3-98 and a fresh cheque for Rs. 11,586.76 was also sent along with a letter dated 16-4-98. Thus, the Petitioner's contention are far from truth and not tenable. As a reference was pending before the National Industrial Tribunal, Mumbai, an application was filed simultaneously on the date of removal i.e. 14-3-98 before the National Industrial Tribunal praying for approval of the action taken. The National Industrial Tribunal, after having a detailed hearing of the case, gave its judgement on 8th April, 1999 according approval. The Assistant Labour Commissioner, Madras initiated conciliation proceedings, wherein both sides participated and he submitted his failure report to the Government and the Govt. was pleased to refer this dispute for adjudication by this Court. As per the charge the Petitioner on false promise of securing medical seat for the daughter of Mr. Sudalaimuthu in a medical college in Tamil Nadu received total amount of Malaysian Ringits 41,000 on various occasions during his visit to Malaysia. On not getting the seat for his daughter after waiting for a long period, the said Sudalaimuthu demanded the Petitioner to return the money. But the Petitioner did not return the money and instead directed Sri Sudalaimuthu to collect the money from one Dr. Jacob Xavier, M.D. Jipmer, Pondicherry, who turned out to be a fictitious person. Thereafter, on the complaint of Sri Sudalaimuthu, departmental enquiry was conducted, wherein the said Sudalaimuthu was also deposed. The enquiry proceedings were conducted strictly in accordance with the principles of natural justice in which the Petitioner was fully participated. In all two witnesses and 24 documents were produced by the Presenting Officer and the Petitioner produced his wife and daughter as his witnesses. On the basis of evidence and documents produced in the enquiry, the Enquiry Officer found the Petitioner guilty of the charges vide his report dated 12-7-97. A copy of the enquiry report furnished to the Petitioner for his submissions. On receipt of the submissions of the Petitioner, the Competent Authority considered the entire documents and in view of the gravity of the misconduct proved against the Petitioner, issued a show cause notice dated 18/29-12-1997 to the Petitioner proposing the punishment of removal from service. The Petitioner submitted his reply to the show cause notice on 27-1-1998 and he also personally heard on 11-2-1998. After a careful consideration of the submissions, the Competent Authority confirmed the punishment proposed and by an order dated 14-3-1998 removed the Petitioner from service. The disciplinary proceedings related to misconduct of independent action, if any initiated against the Petitioner by the CBI or the Enforcement Directorate. The Petitioner had filed a Writ Petition No. 9122 of 1992 and Writ Petition No. 10046 of 1995 in Madras High Court, inter alia, praying for stay of disciplinary proceedings. As the Petitioner failed to make out a case for stay of the disciplinary proceedings, Madras High Court was pleased to dismiss the above petitions. The Respondent only proceeded against the Petitioner, after the petitions were dismissed. It is well settled law that the purpose for initiating criminal proceedings and departmental proceedings are different and that the facts of the case may not constitute the facts under criminal law, but the same facts may be termed as misconduct under the service rules. Moreover,

strict rules are not applicable in domestic enquiry. After obtaining prior approval of the Central Government in exercise of powers vested in the Indian Airlines under section 45 of the Air Corporations Act, 1953, three sets of service regulations one for flying crew, (ii) for employees in the Aircraft Engineering Department and (iii) for employees other than Flying Crew and employees in the Aircraft Engineering Department were framed and published in the official gazette. Regulation 182 of the Service Regulations provided for framing of Standing Orders governing discipline and appeals of the employees. Under these provisions, Indian Airlines framed two sets of Standing Orders, one for Factory Workers and other for all employees other than Factory Workers. The Petitioner had been adopting dilatory tactics for delaying the enquiry. Earlier, the Petitioner was given a number of opportunities to cross examine MW1 Sri Sudalaimuthu, who had come from Malaysia. On 30-3-1995, the enquiry was adjourned to 31-3-1995 at the request of the Petitioner. On 31-3-95, the Petitioner had shown a telegram stating that his father was serious at his native place Tirunelveli. Hence, the enquiry was adjourned to 9th May, 1995. He completed the cross examination of MW1 on 10-5-1995. However, the Management witnesses were available for cross examination, the Enquiry Officer adjourned the enquiry as the Petitioner was looking tried. Thereafter, the Petitioner obtained a stay of the disciplinary proceedings and the same was disposed of only in December, 1996. The Enquiry Officer vide letter dated 24-12-1996 fixed the enquiry on 4-1-1997 at 10.00 hrs. Although the Petitioner attended the office previous day i.e. on 3-1-1997, he sent a telegram on 4-1-97 that he was unable to attend the enquiry as he was suffering from dysentery. Since the 2nd witness Sri S. Arumugam, working as a Teacher in Govt. Higher Secondary School, Alangulam, Tenkasi Taluk was present on 4-1-1997, the Enquiry Officer allowed the Presiding Officer to examine MW2. However, the Enquiry Officer sent the day's proceedings (pages 29 to 33) along with documents ME23 and ME24 to the Petitioner and fixed the next sitting on 11-1-97 for cross examination by the defendant. On 11-1-97, the defendant attended the enquiry and cross examined the witness MW2. For the first time, now, the Petitioner is making an allegation that the witness MW2 was examined in his absence. It is not necessary that authors of documents should be examined as a witness in the domestic enquiry. Even hearsay evidence is admissible. The main complainant in this case is Mr. Sudalaimuthu, a Malaysian National, who has categorically deposed in the enquiry that the Petitioner collected Malaysian Ringits 41,000 under false promise of securing a seat of medical college in Tamil Nadu and not returned the money to him. He has also corroborated the allegation by identifying the documents produced by the Presenting Officer. In the nature of telegram letters from the Petitioner, sworn affidavits of some Malaysian nationals, IOUs, telephone bills in connection with calls made to the Petitioner etc. and these documents have been taken on record as Management exhibits. They only go to support the main charge against the Petitioner. Thus, the sworn affidavits produced in the enquiry were corroborative in nature. The depositions of defence witnesses 1 & 2 i.e. wife and daughter of the Petitioner, in the enquiry were duly considered by the Enquiry Officer and in his report as their evidence were not supported by any documentary evidence and their statements were by close relatives of the Petitioner and the same have not demolished the oral and documentary evidence produced by the Presenting Officer, the Enquiry Officer had not given credence to the defence evidence. The sworn affidavits very well corroborate the charge against the Petitioner. The Competent Authority had passed the order of removal only after carefully considered all the materials on record and the gravity of the misconduct proved against the Petitioner. Since the Enquiry Officer had conducted the enquiry strictly by adhering to the principles of natural justice, giving all opportunities to the Petitioner and he arrived at the conclusion purely on the basis of evidence adduced in the enquiry. At no point of time during the enquiry, the defendant had cast as persons on the Enquiry Officer. The charge sheet was issued to the Petitioner only by the Engineering Manager, Madras, the Deputy Departmental Head, who on receipt of Enquiry Officer's report found the charges proved in the enquiry grave in nature and since in his opinion, it warranted a punishment beyond his competence, forwarded the case file to the higher authorities for necessary action. That is how,

the punishment order was finally passed by the officiating Regional Director. When the Petitioner made an appeal to the Regional Director, he was advised to send an appeal to the Director (Engineering), Indian Airlines Headquarters, New Delhi, who is the Appellate Authority in his case. The domestic enquiry can be conducted simultaneously along with criminal cases. There are number of judgements of the Madras High Court and Supreme Court on this point. In any event, the Petitioner is not entitled to any relief must less reinstatement as this Respondent loss confidence in him. The domestic enquiry was conducted in a fair manner after affording full opportunity to the Petitioner. In case, the Tribunal comes to a conclusion that the domestic enquiry held is not fair and proper, the Respondent may be given an opportunity to establish the charges before this Court. There is no prohibition in the Standing Orders in the officiating Regional Director passing orders against the Petitioner. Hence, the Claim of the Petitioner may be dismissed.

4. The Point for my consideration is "whether the action of the management of Indian Airlines Ltd. in terminating the services of Sri R. Palani with effect from 14-3-1998 is justified or not? If not, to what relief is he entitled?"

Point :—The Petitioner was working as a Technical Assistant in the Engineering Department of the Indian Airlines at Chennai. He was removed from service by the order of Regional Director, Indian Airlines Ltd. Chennai dated 14-3-98 for serious misconduct. The Petitioner was issued a Charge Sheet dated 1-10-91 for the charge that he received total 41,000 Malaysian Ringitts from one Sri Sudalaimuthu on the false promise of securing a medical seat for his daughter Bhuvanewari in Medical College in Tamil Nadu. On not getting the seat for his daughter and after waiting for a long period, Mr. Sudalaimuthu demanded to return the money and the Petitioner did not return the money and instead directed Sri Sudalaimuthu to collect the money from one Dr. Jacob Xavier, M.D. Jipmer, Pondicherry, who turned out to be a fictitious person. On three charges levelled against the Petitioner, a departmental enquiry was held and the Enquiry Officer found all the charges have been proved against the Petitioner. Since the charges levelled against the Petitioner was proved the Respondent/Management considered that it would amount to the Petitioner committing breach of Clause 1 of the Standing Orders and committing misconduct as envisaged under clause 16(8) and clause 16(39) of the Standing Orders, regulations concerning discipline and appeals applicable to the Petitioner. After the issue of charge sheet to the Petitioner. The Petitioner had also participated in the domestic enquiry conducted by the Respondent/Management and on conclusion of the enquiry, the Enquiry Officer gave the finding that the charges against the Petitioner have been proved. The Competent Authority, who concurred with the finding of the Enquiry Officer has passed the order of termination of service of the Petitioner, after issuing a show cause notice. Since the Respondent having two sets of Standing Orders i.e. one for those who are governed by Factories Act and the other those who are not governed by the Factories Act, and that the Petitioner falls within the ambit of Standing Order applicable to workers covered under the Factories Act, 1948. But the charge memo issued to Petitioner was on wrong standing orders. Hence, the enquiry of the wrong Standing Order tantamount to that of 'no enquiry' and that the Petitioner has not committed any misconduct in India to any of the customers of Air India and therefore, issuing charge sheet under Clause 1, Clause 16(8) and 16(39) of Standing Orders (Regulations concerning discipline and appeal) itself is erroneous. This contention of the learned advocate for the Petitioner cannot be accepted as correct because as it is seen from the records, the Petitioner had filed a Writ Petition No. 9122 of 1992 before the Madras High Court challenging the proposed departmental enquiry against him under Clause 1, 16(8) and 16(39) of Standing Orders (Regulations). The said Writ Petition was dismissed on 10-7-92. Subsequently, he has filed another Writ Petition No. 10046 of 1995, with a prayer to issue a Writ of Mandamus, for bearing the Respondent in the Writ Petition, who are the II Party/Management herein, from proceeding with the departmental proceedings in pursuance of charge memo issued by the Management, On 1-10-91 under clause 1, 16(8) and 16(39) of the Standing Orders. This Writ Petition was also dismissed after hearing. From these decisions of the

Hon'ble High Court in those two Writ Petitions filed by the Petitioner challenging the validity of the Charge under Clause (1), 16(8) and 16(39) by dismissing them, go to show that the contention of the Petitioner that the charge sheet itself is erroneous on account of the fact that the charges are under Clause 1, 16(8) and 16(39) cannot be accepted as correct.

5. The next contention of the learned representative of the Petitioner is that the CBI has filed a case against the Petitioner under section 420 I.P.C. 8(1) and 56 of FERA in 1989 and only on 16-10-1990, the complainant Sri Sudalaimuthu has preferred a complaint before the Respondent/Management and in November, 1990, the Management has issued a charge sheet Ex. M1 and the enquiry in this case by the department is not all warranted urgently. Only when the employee found guilty of the criminal charges by the concerned Criminal Courts, then only the Respondent have right to enforce disciplinary action. Though there could be no legal bar for simultaneous proceedings being taken, yet there may be cases where it would be appropriate to defer the disciplinary proceedings, awaiting the disposal of criminal cases and it would be open to the delinquent employee to ask such an order of stay or injunction from the Court. In the present case, the criminal action of disciplinary proceedings are grounded upon the same set of facts and the disciplinary proceedings should have been stayed by the High Court. This contention of the learned representative of the Petitioner cannot be accepted, since the High Court was pleased to dismiss the Writ Petition filed by the Petitioner twice for staying the disciplinary proceedings for the same act mentioned in the chargesheet Ex. M1 as well as proceedings taken by the criminal prosecuting authorities i.e. CBI and Enforcement Directorate. After the dismissal of Writ Petition No. 10046/95, the Petitioner has preferred a Writ Appeal No. 39/97 in the Madras High Court. In the Writ Appeal also, the Hon'ble High Court of Madras held that it is not possible to hold that both the proceedings are based upon the same set of facts and same conduct. As such, if the disciplinary proceedings is proceeded with no prejudice would be caused to the Petitioner/Appellant. When the conduct of the Petitioner which is subject matter of the disciplinary proceeding is not the one which is the subject matter of the criminal proceeding, learned Single Judge is justified in refusing to grant relief on applying the principles enunciated in the B.K. Meena's case. This contention of the learned representative of the Petitioner was already not accepted by the High Court of Madras. Under such circumstances, the same contention hereby raised by the learned counsel for the Petitioner cannot be accepted as correct and valid.

6. The learned representative of the Petitioner had put forth another argument stating that as per the charge sheet, the Petitioner had taken a total 41,000 Malaysian Ringitts equivalent to Rs. 2.25 lakhs in Malaysia from one Sri Sudalaimuthu, who is a citizen of Malaysia and even if the Petitioner had taken some money as alleged by the Respondent from the said Sri Sudalaimuthu, the said act having been committed in Malaysia, the Petitioner cannot be said to have committed any misconduct as alleged in Clause 1, 16(8) and 16(39) of the Standing Orders. Even the said act of the Petitioner is proved, it cannot be a conduct which will bring discredit and lower the prestige of the Corporation in order to frame charges under Clause 1 of the Standing Orders. It can only be a private transaction between two individuals of which one is a foreign origin and therefore, the Petitioner cannot be said to have committed the misconduct as envisaged under Clause 16(8) or Clause 16(39) of the Standing Orders of the Respondent. This contention of the learned counsel for the Petitioner cannot be accepted as correct because in Clause (1) of the Standing Order of Air India, it is stated that "every employee of the Corporation shall at all times maintain absolute integrity and devotion to duty and conduct himself in a manner conducive to the best interests, credit and prestige of the Corporation." From this, it is seen that the employee of the Indian Airlines must at all times conduct himself in a manner conducive to the best interest, credit and prestige of the establishment. It cannot be said that the act of getting 41,000 Malaysian Ringitts by the Petitioner will not bring discredit to the

employer and the prestige of the Corporation be lowered. From the records available, it is seen that the charge against this Petitioner as chargesheeted employee before the Enquiry Officer was found to be proved by the Enquiry Officer by evidences both oral and documentary placed before the Tribunal and it attracts provisions of Clause (1) of the Standing Orders. The contention of the learned representative of the Petitioner that the said act was committed by the Petitioner in a foreign nation with the foreign national cannot amount to a misconduct to be considered under Clause (1) of the Standing Orders, cannot be accepted as correct. Further it is not necessary that the Complainant should be a customer of Air India, since the Standing Orders expect every employee of the Corporation to maintain absolute integrity at all times and conduct himself in a manner conducive to the best interest, credit and the prestige of the Corporation. When especially the Enquiry Officer has found the charge against the Petitioner, delinquent employee in the domestic enquiry is proved, it cannot be said that the Petitioner as an employee of Air India maintained integrity when he was in Malaysia and conducted himself in a manner conducive to the best interest, credit and prestige of the Corporation. As it has been observed by the National Industrial Tribunal in its order under Ex. M16, the disciplinary proceedings are meant not really to punish the guilty but to keep the administrative machinery unsullied by getting rid of bad elements and that there is no merits in the contention of the Petitioner's representative that the misconduct said to have been committed by the Petitioner in a foreign nation to a foreigner and it does not attract the Standing Order of Clause (1), 16(8) and 16(39) is to be rejected.

7. It is seen from the records that the Petitioner on receipt of the charge sheet dated 1-10-91 has sent reply dated 5-10-91 under original Ex. W4. In that reply, he has not denied the allegation that he received 41,000 Malaysian Ringgits from the complainant Mr. Sudalaimuthu. He has merely stated that there is not even the remotest connection between Sri Sudalaimuthu and his official duties or his employer Indian Airlines and that the matter does not relate to Indian Airlines and is not violated the Standing Orders as alleged. He has not denied in his reply about his receiving of 41,000 Malaysian Ringgits from Mr. Sudalaimuthu. It is seen from the enquiry proceedings of the Enquiry Officer that the Petitioner was the chargesheeted employee has adopted all sorts of dilated tactics for dragging on the proceedings. It is the contention of the learned representative of the Petitioner that MW2 one Sri T. S. Arumugam behind his back for the examination of MW2 in his absence by the Enquiry Officer is a violation of principles of natural justice and the evidence given by the MW2 before the Enquiry Officer ought not to have been considered and the reliance made by the Enquiry Officer on the evidence of MW2 is illegal and unfair. But it is seen from the proceedings of the Enquiry Officer that subsequent to examination of MW1 is over, the Enquiry Officer informed him that the next adjourned date of enquiry will be intimated to both the parties in due course. Accordingly, when the Enquiry Officer had next sitting for examination of the next witness for the Management on 4-1-97, he received a telegram from the delinquent employee Sri R. Palani to that effect that he is unable to attend the enquiry on that date since he was suffering from dysentery. The Enquiry Officer had made a note on the day's proceedings stating that it was ascertained that Sri R. Palani had attended the office the previous day i.e. on 3-1-1997 and he has been given a number of opportunities to cross examine MW1 on 31st March and then on showing a telegram by the delinquent employee about his father's ill-health at Tirunelveli on 9th May and the cross examination of MW1 was completed on 10th May and though the 2nd Management Witness was available for examination on that day, since the Enquiry Officer found the delinquent employee was in tired looking condition, he adjourned the enquiry to next adjourned date to be fixed later. The Enquiry Officer was pleased to conduct the proceedings on 4-1-1997 that he intimated Sri R. Palani about holding an enquiry on 4-1-1997 vide his letter dated 24-12-96 which was duly acknowledged by him and though he attended the office till 3-1-97, he sent a telegram expressing his inability to attend on 4-1-97 for the enquiry. So, he decided to conduct the proceedings on 4-1-97 ex-parte and MW2 was examined by the Presenting Officer on the side of the

Management. On that day's enquiry, the Enquiry Officer has also noted that he is sending the copy of the proceedings (pages 29 to 33) along with the evidence MW23 and MW24 fixing the next sitting for the enquiry on 11-1-97 for the delinquent employee to cross examine MW2. On the next sitting of the enquiry on 11-1-97, the delinquent employee, the Petitioner herein, has cross-examined the MW2 at length. So, from this it is evidently clear that the Enquiry Officer has not violated the principles of natural justice in examining MW2. Ample opportunities were given to the delinquent employee to cross examine the MW2 on 11-1-97 and on that day he has not raised any objection before the Enquiry Officer that the examination of MW2 on the previous sitting of the domestic enquiry on 4-1-97 amounts to a violation of principles of natural justice by the Enquiry Officer and he has taken part in the enquiry on 11-1-97 with the protest. So, under such circumstances, the contention of the learned representative of the Petitioner that MW2 has been examined behind back of the delinquent employee and the Enquiry Officer has violated the principles of natural justice in not giving sufficient opportunity to the Petitioner in defending his case is unacceptable. It is seen from the records that the Petitioner had not in a position to examine himself as witness before the Enquiry Officer, but examined his wife and daughter as defence witnesses. So, it cannot be said that he was not given sufficient opportunity to put forward his case. So, on the basis of these available facts by way of materials in this case, it can be concluded that the contention of the Petitioner that he was not given sufficient opportunity to put forward his case and cross examine the witnesses for the Management is untrue allegation and he has stated so in support of his contention that principles of natural justice has been violated by the Enquiry Officer, which is absolutely incorrect on facts. The perusal of the enquiry proceedings in the evidence given by the complainant as MW1 clearly shows that the Petitioner has received 41,000 Malaysian Ringgits in Malaysia from the MW1 in connection with getting admission for the daughter of MW1 in a medical college in Tamil Nadu. Under such circumstances, the contention of the learned representative of the Petitioner that CBI and subsequently Enforcement Directorate have not able to establish the charge against the Petitioner in the criminal proceedings have gone to be considered against the findings of the Enquiry Officer in the domestic enquiry cannot be accepted. By the proved misconduct of the delinquent employee before the Enquiry Officer, he gave a finding that the charge sheeted employee is the guilty of misconduct as alleged and the action taken by the Management against the Petitioner for the proved misconduct of the Petitioner by passing an order of removal from service as a punishment cannot be considered as an unjustified one. The proof required under a criminal proceedings to establish the guilty nature of the accused as per the charge is different before the domestic enquiry to prove the alleged misconduct mentioned in the charge, in view of different standards. The Enquiry Officer on the basis of evidence rendered during the enquiry, he found that the Petitioner had received money as alleged in the charge memo. Merely because the CBI and Enforcement Directorate were not able to prove the case registered in the FIR cannot restrain the Enquiry Officer from finding the Petitioner guilty of the charge memo as a grave misconduct of proved facts. The various decisions cited by the learned representative in support of his various contentions in this case are not squarely applicable to the present facts of this case. Under such circumstances, it can be easily concluded on the basis of materials available in this case that orders passed by the Competent Authority is not bad in law and it is not based on defective or vitiated enquiry. On the other hand, it is seen that the domestic enquiry was conducted in a fair manner, after affording full opportunity to the Petitioner and findings of the Enquiry Officer that charges levelled against the Petitioner, delinquent employee, in the domestic enquiry have been proved to the finding guilty of charges is acceptable. Further, it is seen that proved misconduct is grave in nature which warranted an order of dismissal of the Petitioner from service, as decided by the Disciplinary Authority is absolutely correct. Under such circumstances, the Petitioner is not entitled to any relief much less there instatement is service since the Respondent/Management has lost confidence in him. Hence, I find that

the action of the Management of Indian Airlines Ltd. in terminating the services of Sri R. Palani with effect from 14-3-1998 is justified and the concerned workman is not entitled to any relief. Thus, I answer the point accordingly.

In the result, an award is passed holding that the Petitioner is not entitled to any relief, as prayed for. No cost.

(Dictated to the Stenographer and transcribed and typed by him and corrected and pronounced by me in the open Court on this day, the 17th April, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None.

Documents Marked :—

For the workman/I Party :

Ex. No. Date and Description

- W1 16-11-90 Xerox copy of complaint against the Petitioner by one K. Sudalaimuthu to the Respondent.
- W2 5-10-91 Xerox copy of reply to the charge sheet by the Petitioner.
- W3 22-10-91 Xerox copy of order for departmental enquiry and appointment of the Enquiry Officer.
- W4 (1) 25-6-98 Xerox copy of letter of the Respondent along with returned Appeal to the I Party.
- W4 (2) 2-7-98 Copy of Petitioners Appeal to the Director Engineering HQ at Delhi along with the Appeal.
- W5 31-10-89 Xerox copy of FIR filed by CBI/SCB before the Court at Madras.
- W6 27-5-57/25-11-61 Xerox copy of Indian Airlines Standing Orders for factory workers and Non-factory workers.

For the Management/II Party:

Ex. No. Date and Description

- M1 1-10-91 Xerox copy of Chargesheet.
- M2 15-2-92 Xerox copy of enquiry proceedings.
- M3(S) — Xerox copy of Management documents marked as exhibits in domestic enquiry.
- M4 12-7-97 Copy of internal correspondence between the Enquiry Officer and the Dy. G.M. (Engineering), Indian Airlines Ltd.
- M5 18-12-97/29-12-97 Xerox copy of show cause notice issued to the Petitioner by the Respondent.
- M6 27-1-98 Xerox copy of reply to show cause notice by the Petitioner to the Respondent.
- M7 6-2-98 Xerox copy of letter from the Management to the Petitioner regarding show cause notice.
- M8 — Xerox copy of Record notes of personal hearing held on 11-2-98.
- M9 14-3-98 Xerox copy of order of removal.
- M10 — Xerox copy of postal cover with postal remarks 'always door locked'.
- M11 17-3-98 Xerox copy of letter from the Management to the Petitioner regarding order of removal.
- M12 1-4-98 Copy of letter from the Management to the Petitioner.
- M13 13-4-98 Xerox copy of letter from the Petitioner to Reg. Director and to the D.G.M. (Engineering) of the Management regarding removal from service.

M14 16-4-98 Copy of letter from the General Manager (Personnel), Indian Airlines, Chennai to the Petitioner.

M15 22-6-98 Copy of letter from the Petitioner to reconsider his removal from service to the Regional Director (South), Indian Airlines, Chennai.

M16 8-4-99 Xerox copy of the judgement of National Industrial Tribunal.

नई दिल्ली, 4 मई, 2001

का.आ. 1224 : औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में इंडियन एयरलाइन्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. II) मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[सं. एल-11012/122/2000-आईआर (सी-I)]

एस.एस. गुप्ता, प्रवर सचिव

New Delhi, the 4th May, 2001

S.O. 1224.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. II) Mumbai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Airlines and their workman, which was received by the Central Government on 3-5-2001.

[No. L-11012/122/2000-IR(C-I)]

S. S. GUPTA, Under Secy.

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI PRESENT :

S. N. Saundankar, Presiding Officer

Referenc No. CGIT-2/102 of 2000

Employers in relation to the management of

The Regional Director,  
Indian Airlines,  
Old Airport,  
Santacruz (East),  
Mumbai-400029.

AND

Their Workmen  
The Chairman,  
Air Corporation Employees Union,  
C/o. Indian Airlines,  
New Engg. Complex,  
Sahar, Mumbai-99.

### APPEARANCES :

For the Employer :

Mr. N. S. Lal and Mr. N. J. Gonsalves,  
Advocates.

For the Workmen :

Mr. A. K. Menon, Representative.

Mumbai, dated the 22nd March, 2001

### AWARD

The Government of India, Ministry of Labour, by its Order No. L-11012/122/2000 (C-I), dtd. 18th October, 2000, have referred the following Industrial Dispute for adjudication.

“Whether the action of the management of M/s Indian Airlines Ltd., Mumbai in dismissing Shri D. S. Hamav from the services is justified and proper ? If not, to what relief is the workman entitled ?”

2. On receipt of the reference the union and the management were issued notices by this Tribunal. The Under Secretary, Government of India, vide Corrigendum dtd. 25-1-2001 (Ex-6) pointed out that the name of the worker is D. S. Hamav and not H. M. Hamun as mentioned in the reference. In response to the notices the Union Chairman, Mr. Menon, vide purshis (Exhibit-7) apprised that they do not wish to proceed with the reference and therefore Statement of Claim has not been filed and the reference be disposed of. The Learned Counsel for the management Shri N.J. Gonsalves did not object to that. Consequently the reference will have to be disposed of for non-prosecution. Hence the order :—

### ORDER

The reference stands disposed of for non-prosecution vide purshis (Exhibit-7).

S. N. SAUNDANKAR, Presiding Officer

EXHIBIT NO. 7

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2,  
AT MUMBAI

CGIT-2/102 OF 2000

Indian Airlines Ltd.,  
New Engineering Complex,  
Sahar, Vileparle (East),  
Mumbai-400099.

... Representing  
Employer

Chairman,  
Air Corporations Employers' Union,  
C/o Indian Airlines Ltd.,  
New Engineering Complex,  
Sahar, Vileparle (East),  
Mumbai-400099.

... Representing  
Workman

APPLICATION FOR A NO DISPUTE AWARD.

MAY IT PLEASE THE HON'BLE TRIBUNAL :

1. The Central Government vide Order No. L-11012/122/2000-IR (C-I) dated 18-10-2000 has referred the industrial dispute as to Whether the order of termination of Shri D. S. Hamav is

justified and if not to what relief he is entitled to.

2. Having regard to the facts and circumstances of the case the reference is not being pursued and accordingly the statement of claim is not being filed.

3. The Hon'ble Tribunal be pleased to pass a No Dispute award and dispose of the reference.

Mumbai

Dated : 26th February, 2001

for Union

A. K. MENON, Chairman

नई दिल्ली, 4 मई, 2001

का.आ. 1225.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-ii) धनवाद के पंचाट को प्रकामित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[सं. एल-20012/20/87-डी.-III/अर्द्धार (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 4th May, 2001

S.O. 1225.—In pursuance of Section 17 of the Industrial Dispute Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. II), Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 3-5-2001.

[No. L-20012/20/87-D-III/IR(C-I)]

S. S. GUPTA, Under Secy.

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2)  
AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 236 of 1987

PARTIES :

Employers in relation to the management of Phularitand Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen :

Shri D. Mukherjee, Secretary,  
Bihar Colliery Kamgar Union.



On behalf of the employers :  
Shri B. Joshi, Advocate.

STATE : Jharkhand INDUSTRY : Coal

Dated, Dhanbad, the 24th April, 2001

### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(20)/87-D III(A) dated, the 13th July, 1987

### SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union that the workmen, S/Shri Prabhu Mahato and 9 others, Trammers of Phularitand Colliery of M/s Bharat Coking Coal Ltd. should be paid Category-IV wages for performing the extra jobs in addition to the job of tramming is justified? If so, to what relief are these workmen entitled?"

2. In this reference both the parties appeared and filed their respective W.S. The reference then proceeded along its course. Subsequently when the case was fixed Shri Mukherjee, learned representative for the workmen submitted that he has no instructions from the concerned workmen. The reference is pending since 1987 and it is of no use to drag the same any more. Under such circumstances, the reference is disposed of on 'No Dispute' Award basis presuming non-existence of any industrial dispute between the workmen and the management presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 4 मई, 2001

का. आ. 1226 - औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये, केन्द्रीय सरकार ने बी. सी. सी. एल. के प्रबंधक के समक्ष नियोजकों और उनके कर्मचारों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. II) धनबाद के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[स. एल.-20012/264/89-आई. आर. (सी-I)]

एम. एम. गुप्ता, अवर सचिव

New Delhi, the 4th May, 2001

SO 1226—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. II) Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and

their workman, which was received by the Central Government on 3-1-2001

[No. L-20012/264/89-IR(C-I)]

S. S. GUPTA, Under Secy.

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2)  
AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

-In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No 127 of 1991

PARTIES:

Employers in relation to the management of Maheshpur Colliery in Govindpur Area No. III of M/s BCCL and their workmen.

APPEARANCES

On behalf of the workmen

Shri S. Bose, Treasurer, RCMS Union.

On behalf of the employers

Shri B. Joshi, Advocate

STATE : Jharkhand INDUSTRY : Coal

Dated, Dhanbad, the 24th April, 2001

### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/264/89-IR (Coal-I), dated, the Nil.

### SCHEDULE

"Whether the management of M/s. BCCL, in relation to Maheshpur Colliery in Govindpur Area No. III is justified in denying employment of Smt Sushila Manjhi claiming to be a widow of Late Hopan Manjhi ex-miner loader? If not, to what relief the workman is entitled?"

2. In this reference both the parties appeared and filed their respective W.S. and documents. Subsequently at the stage of oral evidence, learned representative for the workman submitted that he has received no instruction in connection with further prosecution of the dispute. Under such circumstances there is no alternative but to presume that presently there is no existence of any industrial dispute between the parties and the reference is disposed of on 'No Dispute' Award basis.

B. BISWAS Presiding Officer

नई दिल्ली, 4 मई, 2001

का. प्रा. 1227.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने. सेंट्रल हॉस्पिटल के प्रबंधन के संबंध निधियों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[सं. एल-20012/361/98-आई प्रार (सी-I)]

एस.एस. गुप्ता, प्रवर सचिव

New Delhi, the 4th May, 2001

S.O. 1227.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. II) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Central Hospital and their workman, which was received by the Central Government on 3-5-2001.

[No. L-20012/361/98-IR(C-I)]

S. S. GUPTA, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT  
DHANBAD

## PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 138 of 1999

## PARTIES

Employers in relation to the management of of Central Hospital, Dhanbad and their workman.

## APPEARANCES :

On behalf of the employers : Shri D.K. Verma,  
Advocate.

On behalf of the workmen : Shri Kashinath Mandal  
the concerned workman.

STATE : Jharkhand INDUSTRY Coal

Dated the 26th April, 2001

## AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/361/98-IR(C-I), dated the 22nd February, 1999.

## SCHEDULE

"Whether the action of the Management of Central Hospital, Dhanbad in dismissing Sri Kashinath Mandal, AC Operator from the service of the company is justified ? If not, to what relief the workman is entitled to ?"

2. In this reference both the parties appeared and filed their respective W.S. Subsequently when the case was fixed both the parties appeared and filed a Memorandum of Settlement under their signature. I heard both the parties on the said Memorandum of Settlement and find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly, I accept the said Memorandum of settlement and pass an Award in terms thereof which forms part of the Award as Annexure.

B. BISWAS, Presiding Officer

## ANNEXURE

## MEMORANDUM OF SETTLEMENT

Representing Employers :

The Chief of the Medical Services, Central Hospital, Dhanbad of M/s. Bharat Coking Coal Ltd.

Representing Workmen :

The General Secretary, Jharkhand Janta Mazdoor, Quarter No. 1-373 Koyala Nagar, Dhanbad.

## SHORT RECITAL OF THE CASE

The workman concerned Shri Kashinath Mandal, A/C. Operator was working at Central Hospital, Dhanbad and committed a misconduct in the month of May, 1997. The management after conducting fair and proper domestic enquiry dismissed the workman concerned from his service by Order dated 19-11-97 with effect from 19-11-97 in accordance with the provisions of Certified Standing Order.

And whereas the Central Govt. by notification No L-20012/361/98-IR(C-I), dated 22-2-99 has been pleased to refer the present case to the Hon'ble Tribunal for adjudication on the issue contained in the schedule of reference which is reproduced below :—

## SCHEDULE

"Whether the action of the management of Central Hospital, Dhanbad, in dismissing Sri Kashinath Mandal, A.C. Operator from the service of the company is justified ? If not, to what relief the workman is entitled to ?"

And whereas the Hon'ble Tribunal No. 2, Dhanbad registered the aforesaid Reference as Ref. Case No. 138 of 1999 and whereas the work-



man concerned as well as the management has filed their W.S. before the Tribunal and the case is pending for hearing.

And, whereas the workman concerned filed a mercy petition before the management for settlement of the dispute outside the Court and the management on consideration of the mercy petition has agreed to settlement of the dispute on the following terms and conditions:—

1. The management has agreed to reinstate the concerned workman without any back wages.
2. The concerned workman will have no right to claim the back wages from the period i.e. from the date of his dismissal to the date of his joining.
3. It has also been agreed by the management that the concerned workman will be reinstated in his service subject to his medical fitness by the Area Medical Board
4. It has also been agreed that on reinstatement he will be posted in other units than his present unit department.
5. The workman concerned has also agreed to discharge his duties with full devotion and loyalties after reinstatement
6. It has also been agreed that the workman concerned will have to establish his identity at the time of reinstatement
7. Both the parties have agreed to file a joint petition before the Hon'ble Tribunal for acceptance of the settlement arrived at between them

Signature of the Parties .

1. On behalf of the employers :  
Sd/- (illegible)  
Chief of the Medical Services of  
Central Hospital, Dhanbad of  
M/s. Bharat Coking Coal Ltd.

2. On behalf of the workmen .

Sd/- (illegible)

The General Secretary,  
Jharkhand Janta Mazdoor,  
Qr. No. 1A-373, Koyala Nagar,  
Dhanbad.

Witnesses :—

1. Sd/- (illegible)
2. Sd/- (illegible)

3. Sd/- (illegible)

Sd/- Kashinath Mandal  
Signature of the concerned  
Workman.

नई दिल्ली, 21 मई, 2001

का.भा. 1228.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की प्रविसूचना संख्या का. भा. 2666 दिनांक 24-11-2000 द्वारा प्रतिभूति मद्रासालय, हैदराबाद में सेवाओं को उक्त अधिनियम के प्रयोजनों के लिए 24-11-2000 से छ मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 24-5-2001 से छ मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा.स एस.-11017/8/97-आई.भार. (पी.एस.)]

एच सी गुप्ता, प्रवर सचिव

New Delhi, the 21st May, 2001

S.O. 1228 —Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2666 dated 24-11-2000 the services in Security Printing Press, Hyderabad to be a public utility service for the purpose of the said Act, for a period of six months from the 24-11-2000.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 24th May, 2001

[F. No S-11017/97-IR(PP)]  
H. C. GUPTA, Under Secy.

नई दिल्ली, 11 मई, 2001

का आ. 1229—औद्योगिक विवाद अधिनियम, 1947 का 14 की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.ई.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनवधान से निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय जबलपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार 3-5-2001 को प्राप्त हुआ था।

[स. एल.-21011/8/88-आई.आर.]

एन पी केशवन (सी-11)]

New Delhi, the 11th May, 2001

O. 1229.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Disputes Act, 1947. The award relates to the dispute between the employers in relation to the award of SECL and their workman, which was made by the Central Government on 3-5-2001.

[No. L-21011/8/88-IR(C-II)]

N. P. KESAVAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR, (MP)

Case No. CGIT/LC/R/57/89

Presiding Officer : Shri K. M. Rai.

Shri Rafique Mian and Shri Jugadi Ram;  
Through : President, M.P. Koyla  
Khadan Mazdoor Union,  
Post Kurasia Colliery,  
District Surguja, (MP).

..Applicant

Versus

Dy. Chief Mining Engineer,  
Duman Hill Group of Mines,  
Post Kurasia Colliery,  
District Surguja, (MP).

..Non-applicant.

## AWARD

Passed on this 10th day of April, 2001

1. The Government of India, Ministry of Labour vide order No. L-21011/8/88-D.III-B dated 3-3-89 has referred the following dispute for adjudication by this Tribunal :—

"Whether the action of the management/employer in relation to the Duman Hill Colliery of SECL, PO-Sonawani Colliery, District Surguja, MP in dismissing their workmen Shri Rafique Mian Haulage, Khalasi and Jugadi Ram S/o Akaluram, Tyndal Mazdoor w.e.f. 7-12-86 is, legal, and justified? If not, what relief the workmen are entitled and from what date?"

2. The case for the workmen is that they were appointed as Tyndal mazdoor after the nationalisation of coal mines. They were elected as office bearers of the Branch Union in the year 1980. They actively participated in the trade union activities by raising the genuine demands of the workers before the management and before the management was annoyed with the same with the intent to harm the workmen. The management dismissed them from service by order dated 7-12-86. The fabricated charge-sheet was served on them on 14-6-86 alleging that in the first shift at about 7.30 AM when they were on duty at incline, instigated the willing workers not to go down of mines and went to instigate Shri R. S. Jha to assault Shri A. K. Das, Sr. Mining Engineer as a result he was assaulted by Shri Jha and got the injury in his nose. On the relevant day, they were not present on the spot as alleged by the management nor they instigated anyone to assault Shri A. K. Das.

3. The workmen further contends that the departmental enquiry was conducted against them by Shri Baldev Singh who was close friend of Shri A. K. Das, Sr. Mining Engineer. He, therefore, acted partially in holding the DE. The witnesses examined by the management during the DE were subordinate to Shri A. K. Das and therefore their evidence was not independent one. The evidence is therefore not reliable at all. On 13-6-86, Shri A. K. Das fell down due to slip of his leg in the haulage rope and sustained injury in his nose. He was never assaulted on 14-6-86. The Enquiry Officer held the charges proved against the workmen which is not just and proper and deserves to be quashed.

4. It is further contended by the workmen that they were appointed after nationalisation of coal mines and therefore their services were governed only under the standing orders of the WCL/SECL and not by the erstwhile National Mineral Development Corporations standing orders. Their termination from service is, therefore, absolutely illegal as the charge-sheet was framed under the Standing Orders of National Mineral Development Corporation Limited. Shri Jha was never examined during the course of enquiry. Shri A. K. Das never made any complaint in writing regarding the alleged incident. The complaint in writing was obtained from him after the DE was initiated against the workman. In this way the whole enquiry is bad in law and the punishment of removal from service awarded by the management is absolutely illegal and deserves to be set aside. The workmen are entitled to reinstatement with back wages.

5. The case for the management is that the workmen were not an active trade union workers. A charge sheet was correctly issued to the workmen as they had involved in assaulting Shri A. K. Das, Sr. Mining Engineer on the relevant day at the worksite. The DE was properly conducted against the workmen and the opportunity was given to them to cross examine the prosecution witnesses. The witnesses examined by the prosecution were absolutely independent. They deposed before the enquiry officer, the true facts regarding the assault of Shri A. K. Das. Neither any evidence was concocted against the workmen nor there were any malice of the management to remove them from service some how or other. The enquiry

was conducted in accordance with the provisions of law rules and principles of natural justice. The Enquiry Officer has acted impartially and given the correct finding based on the material available on record. The contract of employment permit the management to take disciplinary action for serious acts of misconduct. The management has inherent powers to take disciplinary action against any workman in order to maintain discipline and good industrial relations. In view of these facts the enquiry conducted against the workmen by the management were perfectly legal and proper. The finding of the Enquiry Officer is perfectly legal which does not require any interference at all. Looking to the misconduct of the workmen the punishment of dismissal from service is appropriate and does not require any interference by this tribunal. In view of all these facts the workmen are not entitled to any relief as claimed by them in the present case.

The following issues have been framed in this case and my findings thereon are noted hereinafter :

1. Whether the enquiry is just, proper and legal ?
2. Whether the management is entitled to lead evidence before this tribunal.
3. Whether the charges of misconduct are proved on the facts of the case ?
4. Whether the punishment awarded is proper and legal ?
5. Relief and costs ?

7. Issue Nos. 1 and 2 : It has already been held by this tribunal on 5-1-96 that the Departmental Enquiry conducted against the workmen by the management is perfectly legal and proper. The management is therefore not required to lead any evidence to prove the alleged misconduct of the workman. In view of these findings, both these issues need no consideration at all.

8. Issue Nos. 3 and 4 : It has been held by my learned predecessor that the Departmental Enquiry conducted against the workmen is perfectly legal and has not caused any prejudice to the workmen. Now we have to consider as to whether the punishment of dismissal from service awarded by the management against the workmen is proportionate in the circumstances of the case or not. The workmen have been charged for misconduct of assaulting the Senior Officer Shri A. K. Das who was performing his duty in the coal mines at the relevant time. The Enquiry Officer has considered the entire evidence adduced by the parties to the dispute and thereafter he held the charges proved against the workmen. He has considered the entire facts judiciously and without any prejudice. His finding is based on cogent reasons. This court cannot sit as a court of appeal over the finding of Enquiry Officer. It is not appropriate for this tribunal to reappraise the evidence adduced before the Enquiry Officer. The finding given by the Enquiry Officer against the workmen in no way suffers from any legal lacuna. In view of the foregoing discussions it is held that the misconduct of the workmen have

been established by the material available on record. Issue No. 3 is answered accordingly.

9. Issue No. 4 : The workmen had assaulted the senior officer of the management at the pit mouth of the coal mines while he was on duty. This conduct of the workmen in no way can be said to be justified. Such type of riotous act does not deserve any lenient action against the workmen. The order of dismissal passed by the management against the workmen is absolutely proportionate to the circumstances of the case. It does not require any interference by this court. Issue No. 4 is answered accordingly.

10. Issue No. 5 : On the reasons stated above it is held that the workmen had been legally dismissed from service by the management. The order of dismissal from service is absolutely just and proper and does not require any interference. The workmen are therefore not entitled to any relief as claimed by them. The reference is accordingly answered in favour of the management and against the workmen.

11. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.आ. 1230.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3/5/2001 को प्राप्त हुआ था।

[सं.एल-42018/12/88-आई आर(सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1230.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 3-5-2001.

[No. L-42018/12/88-IR(C-II)]

N. P. KESHAVAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/46/89

Presiding Officer.—Shri K. M. Rai.

Shri A. N. Kapse,  
20 Subhash Nagar, Indore,  
Behind Mukesh Studio,

Applicant

## Versus

Food Corporation of India,  
New Delhi.

Senior Regional Manager,  
FCI, Bhopal.

Shri K. K. Krishnan, DM (Engr.),  
Regional Office, FCI. . . Non-Applicant.

## AWARD

Delivered on this 11th day of April, 2001

1. The Government of India, Ministry of Labour, New Delhi vide Order No. L-42018(12)/88-D14(B.) dated 24-2-89 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the District Manager, FCI, Bhopal in dismissing the workman vide order No. V&S 4(39)/84 dt. 14-3-86 issued by the Senior Regional Manager, FCI, Bhopal is justified? If not, what relief the workman Shri A. M. Kapse, Ex. Assistant Grade III(D) is entitled?"

2. The case for the workman is that he was a permanent employee as Assistant Grade III (Depot) in the office of the District Manager, FCI, Indore. The management removed the workman from service vide its order dated 14-3-86. The Departmental Enquiry for the alleged misconduct was conducted against him by the management for violating regulations-31 of and 32 of FCI (Staff) Regulations, 1971. The enquiry was held against him under regulation 58 of the said regulation by the Enquiry Officer Shri K. K. Krishnan, District Manager. The Senior Regional Manager, FCI, Bhopal had no jurisdiction to issue the chargesheet and appoint Shri K. K. Krishnan as Enquiry Officer to hold the departmental enquiry against him.

3. The workman further alleges that the Departmental Enquiry conducted against him was illegal and in utter disregard of principles of natural justice. During the course of enquiry, the Enquiry Officer did not supply him the relevant documents relied on by the management. He was not allowed to cross examine the prosecution witnesses effectively. He was also not allowed to produce the defence witnesses and give his own statement before the Enquiry Officer. The Enquiry Officer had acted as a prosecutor favouring the management. The important witnesses were also not examined during the course of enquiry nor the workman was allowed to examine them as a defence witness. The Enquiry Officer obtained his signature on some plain papers forcibly and by giving his allurements of acquitting him of the alleged charges. The charges were not proved against him on the basis of the facts and circumstances available on record. The finding of the Enquiry Officer is absolutely perverse. No show-cause notice was issued to him prior to passing the award of punishment of removal from service by the management. The Enquiry Officer had wrongly held him liable for committing the alleged misconduct.

4. It is further alleged by the workman that he preferred an appeal before the Competent Authority against the order of removal from service. The appellate Authority did not apply his mind in deciding the

appeal and ultimately he dismissed the appeal on flimsy grounds. He was not given the opportunity for personal hearing. The order of the appellate authority is a non-speaking order passed mechanically without stating any reasons in respect thereof. The punishment is absolutely disproportionate to the alleged misconduct. The action of the management in removing the workman from service is absolutely arbitrary and discriminatory. He has been held guilty on the basis of probabilities and surmises only. The order of removal from service therefore deserves to be quashed. He is entitled to reinstatement with back wages and other monetary benefits attached to that post.

5. The case for the management is that the applicant while working at LNG Godown Indore during the year 1983, has issued 13 quintals of sugar to M/s. Rashtriya Upbhokta Bhandar, Sanyogitaganj, Indore on 24-11-83 under RO No. 83082 dated 24-11-83 by unauthorisedly correcting the serial number of the Release order against the printed release order number and had also issued the stocks of 13 quintals of sugar to the party by preparing all the relevant documents despite having his own doubt about genuineness of the release order as expressed in the letter No. L. N. Mandi Unit II Assistant Manager, FCI, (LRT) Indore dated 24-11-83 prepared in his own handwriting. In this way Shri A. M. Kapse indulged himself in the fraudulent act in collusion with the party to gain illegal gratification from him (the party). Shri A. M. Kapse thus committed a grave misconduct by acting in a manner unbecoming of an employee of the Food Corporation of India violating regulations 31 and 32 of the FCI Staff Regulations, 1971.

6. The management further alleges that the chargesheet was served to the workman who submitted his explanation which was not accepted as satisfactory. The Departmental Enquiry was conducted against him and during the enquiry proceedings, all the relevant documents were given. The workman was allowed to cross examine the prosecution witnesses and to put up his defence properly. He was allowed to adduce defence statements also. He was also allowed to engage the defence Assistant to assist him during the Enquiry Proceedings. He was allowed to inspect all the relevant documents. The workman did not examine any defence witness nor examine himself during the enquiry proceedings. After the enquiry was over, the parties submitted their arguments and the Enquiry Officer submitted his report after carefully examining the evidence and circumstances available on record. The Enquiry Officer had acted impartially and without favouring the management. The Disciplinary Authority accepted the report of Enquiry Officer and the penalty of removal from service was imposed on the workman. The workman filed appeal before the Competent Authority against the order of removal and the Appellate Authority also concerned with the finding of the Enquiry Officer. The workman's appeal was accordingly dismissed.

7. It is further alleged by the management that the Departmental Enquiry conducted against the workman was perfectly legal and the punishment of removal from service is appropriate in the circumstances of the case. The punishment therefore does

not require any interference in the instant case. The workman is not entitled to any relief as claimed by him.

8. The following issues arise for decision in the instant case—

1. Whether the Departmental Enquiry conducted against the workman is just and proper?
2. Whether the management is entitled to lead evidence to prove the alleged misconduct of the workman.
3. Whether the punishment of removal from service of the workman is just and proper?
4. Whether the workman is entitled to reinstatement with back wages.
5. Relief and costs?

9. Issue No. 1 & 2.—It has been held by my learned predecessor on 25-9-98 that the Departmental enquiry conducted against the workman is perfectly legal and valid. In view of this finding, the validity of DE needs no further consideration. The management is therefore not required to lead any evidence to prove the alleged misconduct of the workman. Both these issues are answered accordingly.

10. Issue No. 3 & 4.—It has already been held that the Departmental Enquiry conducted against the workman by the management is just and proper. Now the sole question remains to be decided is as to whether the punishment of dismissal from service awarded by the management against the workman is just and proper? The workman was charged for the misconduct of preparing a fraudulent document to gain illegal gratification from the party. In this way, he committed a great misconduct by acting in a manner unbecoming of an employee of FCI violating regulations 31 & 32 of the FCI Staff Regulations. The Enquiry papers clearly intimated that the Enquiry Officer has considered carefully in detail the evidence produced by the parties before him during the course of enquiry and held the charge of misconduct proved against the workman. The report of the Enquiry Officer itself is self explanatory which has mentioned all the relevant facts related to the misconduct of the workman. The report is based on well founded reasons and the material available on record. The conclusion of Enquiry Officer is not based on no evidence. In the report the Enquiry Officer has fully discussed the defence of workman also and then held the charges proved against him.

11. The Disciplinary Authority accepted the report of enquiry officer and passed the order of dismissal against the workman. Subsequently the workman preferred an appeal which was also dismissed by the appellate authority after giving him the opportunity of proper hearing. This could at this stage cannot re-appreciate the evidence produced during the enquiry proceedings. It was the discretion of the Enquiry Officer to accept or reject the evidence to arrive at a particular decision. This tribunal cannot sit as a court of appeal over the report of the Enquiry Officer. I find that the report of Enquiry Officer is perfectly legal and proper and the conclusion arrived at is based on the material available on record. This finding cannot be held to be perverse.

12. The workman has been found guilty for the misconduct of forging a document in collusion with the private party in order to gain himself. This act of the workman is highly prejudicial to the interest of FCI. Due to this fact, the management has lost confidence in him. In the circumstances of the case the punishment of dismissal from service imposed on the workman cannot be held to be excessive or disproportionate. It is therefore held that the management has rightly imposed the punishment of dismissal from service on the workman. It does not require any interference in the circumstances of the case. The workman is not entitled to reinstatement with back wages. Issues No. 3 & 4 are answered accordingly.

13. Issue No. 5.—On the reasons stated above, it is held that the charges of misconduct has been proved against the workman during the Departmental Enquiry which was conducted legally and properly. The order of termination of service of the workman passed by the management is perfectly legal and does not require any interference by this tribunal. The workman is not entitled to reinstatement with back wages and other monetary benefits as claimed by him. The reference is answered accordingly in favour of the management and against the workman.

14. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 17 मई, 2001

का. प्रौ. 1231.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्डिय. सी. एल. के प्रबन्धतंत्र के संबद्ध निदेशकों और उनके कर्मचारों के बीच, प्रबन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पचास को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-5-2001 को प्राप्त हुआ था।

[सं. एल-22012/19/2000-आई धार (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 17th May, 2001

S.O. 1231.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 16-5-2001.

[No. E-22012/19/2000-IR(C-II)]

N. P. KESHVAN, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

## PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT : 116/2000

Employers in relation to the management of The Mines Manager, W.C.L.

## AND

Their Workman, Shri Shankar M. Chetty.

## AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order No. L-22012/19/2000-IR(CMII) dated 4-8-2000 on following schedule.

## SCHEDULE

"Whether the action of the management of the Mines Manager, Western Coalfields Ltd. Colliery No. 3, Saoner in awarding punishment dismissal from services to the workman Shri Shankar Mahadeorao Chetty is legal and justified. If not, to what relief the said workman is entitled and from what date?"

The workman Shri Shankar Mahadeo Chetty has submitted his Statement of Claim that he was removed from service in the year 1986 from Kamptee Mines as Casual Majdoor and therefore he was selling the firewood in the small villages like Isapur, Waki, Khaperkheda, Pipla, Patansaongi etc. He started living at Hanuman Dafai Area of Patansaongi near Kamptee. He was living with an employee of W.C.L. namely Rambisal S/o Ramnath in the year 1986. Rambisal had no son, so he lived with Rambisal as his nephew. On 17-12-1988 he was appointed as a Welder in General Mazdoor Category-I of W.C.L.

Rambisal was allotted Quarter No. 4/7 at New Colony, Sadbhavana Nagar, Patansaongi and he shifted his family with Rambisal workman in the said quarter No. 4/7, New Colony, Sadbhavana Nagar, Patansaongi.

On 20-9-95 he was transferred from Patansaongi to Saoner Mines No. 3, which is 20 kms, from Patansaongi. Prior to his transfer on 15-2-94 chargesheet was issued against him for unauthorised occupation of the above noted quarter, which was allotted to Rambisal. He was suspended on 16-8-94. After completion of enquiry he was dismissed from service by order dated 22-2-97.

The workman claimed that he was living in the aforesaid house with the consent of Rambisal, so his possession was not unauthorised and his dismissal is illegal. He has not committed misconduct under clause 26.14 of Standing Orders.

The management of WCL contested the case on the ground that the aforesaid quarter No. 4/7 of New Colony, Sadbhavana Nagar, Patansaongi was not allotted to the workman Shri Shankar Mahadeo Chetty. The consent of Rambisal is meaningless. Rambisal had no authority to deliver possession of the said quarter to the workman over the above quarter. His possession therefore is illegal.

The copies of enquiry proceedings and report of Enquiry Officer was given to the workman, hence the enquiry was fair. The transfer of the workman was not a punishment.

The affidavit dated 1-3-94 was filed by Rambisal, that Shankar M. Chetty is his nephew, is false. On 27-4-95 Rambisal had intimated that he has vacated the quarter. Again Rambisal informed the Manager, Patansaongi Coal Mines that he is vacating quarter from 10-5-95, but on this date S. M. Chetty was occupying the house unauthorisedly. Workman S. M. Chetty had not obtained permission from management of WCL to occupy this quarter.

Prior to imposing the punishment on the workman he was asked to vacate the quarter, but he did not vacate the above quarter. On 19-12-96 a letter was sent to the workman to vacate the quarter otherwise he will be punished. The workman was occupying the quarter unauthorisedly. This act, of the workman amounts to misconduct under clause 26.14 and he has been dismissed from services under clause 27(h) of the Standing Order of W.C.L.

I have heard the counsel for both the parties.

Both the parties have also submitted the documents.

Statement of Shankar M. Chetty was recorded on 6-3-2000 at C.G.I.T. Court No. 2 at Mumbai. In cross-examination the witness admitted that he is living in quarter No. 4/7, which was allotted to Rambisal. He never applied for the allotment of this quarter. Rambisal is resident of Bihar. He has no blood relationship with him. He had received letter dated 19/21-11-96 (Ex. 17/18) from the management. He was informed to vacate the quarter. He did not vacate the quarter even after receiving this letter from the management. He was transferred to Saoner when the enquiry was in progress against him. He also admitted that he had received all the documents which he asked for during the enquiry.

The above statement of the workman clearly shows that quarter No. 4/7 of New Colony, Sadbhavana Nagar, Patansaongi was not allotted to him by management on WCL. He was therefore in unauthorised possession of the said quarter.

The affidavit of Rajeeva Kumar Sharma, Dv. Personal Manager of Pipla Sub Area has been filed by management. He stated that Patansaongi Mine is under Pipla Sub Area. The enquiry was conducted by Shri Sahu, Enquiry Officer. After his transfer Shrinivaslu conducted the enquiry. He submitted the enquiry report in detail and mentioned that charge levelled against Shri Shankar Chetty for occupying quarter No. 7 of block No. 4 unauthorisedly, stands proved under Standing Order Clause 26.14. The enquiry report further shows that the workman Shankar

M. Chetty was not dependent upon Rambisal and had no right to live in that quarter. This quarter was the property of WCL Company and it was not allotted to Shankar Chetty, so he had no right to live in it.

The statement of Rajeeva Kumar Sharma, witness of the management shows that chargesheet was issued against Rambisal as well, for permitting Shankar Chetty to live with him. Rambisal had taken voluntary retirement and the enquiry proceedings were therefore dropped against him.

The copy of enquiry report was given to Shankar Chetty on 26-11-96. During the Enquiry proceedings Rambisal had appeared as witness for the management.

Shankar M. Chetty had also filed a Writ Petition bearing No. 2582/1997. In the High Court Bench at Nagpur against the Enquiry Officer, Mine Manager of Patansaongi and Chairman-cum-Managing Director of WCL. On 24-11-97 the High Court did not prefer to interfere in this matter. The Hon'ble High Court passed the order that the efficacious alternative remedy is available to the petitioner and therefore the petition is rejected.

The counsel for the workman has argued that the workman Shri Shankar M. Chetty is still in possession of the said house and has not vacated it. He argued that under National Coal Wage Agreement V, Chapter VIII, Clause 8.1.2(ii)(c), the unauthorised occupant of house will not be entitled to any house rent allowance until he vacates the house. So the management could refuse to pay the house rent allowance to the workman. It is also argued that under clause 26.14, unauthorised use or occupation of company's bungalow/quarter/buildings and/or land any such property in the custody of the company amounts to misconduct. The counsel argued that the said house was not in the custody of company when workman shifted his family in this quarter hence charge is not proved.

I have considered the above arguments of the counsel for workman. The above arguments are baseless. The house was constructed by the company namely W.C.L. and the company was therefore having custody of the house.

The counsel for the workman has submitted ruling AIR 1985 Supreme Court, page 504, Rasiklal Vaghajibhai Patel Vs. Ahmedabad Municipal Corporation and another.

The above ruling is not applicable in this case. As the workman was aware that he is facing enquiry for his unauthorised possession of the house, the misconduct was therefore known to him.

Another ruling 1993(4) Supreme Court Cases 727, Managing Director ECIL, Hyderabad and other Vs. B. Karunakar and others is also submitted by counsel for the workman.

In the present case, before the Tribunal the workman Shri S. M. Chetty has admitted that the copies of the Enquiry Proceedings and report of Enquiry Officer was given to him, he therefore got full opportunity to represent his case against the findings of Enquiry Officer.

1532 GI/2001—16.

The above ruling is therefore not applicable in this case.

Another ruling 1993 I CLR 426, Association of Chemical Workers & others Vs. B. D. Borude & others is also not applicable in this case because, the workman had been regularly disobeying the orders of his Superior Officers and had not vacated the quarter in which he was living unauthorisedly.

The workman Rambisal was allotted house by the company and he could only keep his family in this house. Rambisal had no authority to give consent to Shankar M. Chetty to live in the said quarter with him without obtaining permission from the management of the company. The workman had no right to live in the said quarter with family with Rambisal as this quarter was not allotted to him by the management of W.C.L. His possession over this quarter was therefore illegal.

The management repeatedly sent letters to the workman to vacate the house, but he did not comply with the directions of his Superior Officers. His conduct therefore amounts to in-subordination and wilful disobedience of the orders of his Superiors. The management had no other alternative but to conduct an enquiry against him for unauthorised use of the quarter of the company. The misconduct of the workman under section 26.14 is therefore proved during the enquiry.

There is nothing on record to show that the enquiry was not conducted fairly. The enquiry was therefore conducted fairly and according to the Principles of Natural Justice.

In cross examination dated 6-3-2000, the workman has accepted that he had received all the documents which he asked for in the enquiry. He also admitted that he did not vacate the house even after receiving the letter from the management for vacating the quarter No. 4/7.

The counsel for the workman has argued that the punishment is disproportionate. This argument has no force. Under clause 27.1(h) of Standing orders of WCL, Nagpur, a workman can be dismissed from service for his misconduct. The workman himself admits that even after his suspension he did not vacate the quarter. He did not vacate the quarter even during the enquiry proceedings. He is still occupying the quarter illegally. He has therefore been rightly punished for dismissal from service.

#### ORDER

The action of the management of the Mines Manager, Western Coalfields Ltd. Colliery No. 3, Saoner in awarding punishment of dismissal from service to the workman Shri Shankar M. Chetty is legal and justified.

The workman is not entitled to any relief.

The enquiry was conducted fairly and according to the Principles of Natural Justice. The punishment awarded to the workman is also legal and justified.

The reference is answered accordingly.

Dated: 30-4-2001.

B. G. SAXENA, Presiding Officer



नई दिल्ली, 17 मई, 2001

का. अ. 1232—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/थम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-5-2001 को प्राप्त हुआ था।

[सं. एल-22012/19/2000-आई आर (सी-II)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 17th May, 2001

S.O. 1232.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 16-5-2001.

[No. L-22012/19/2000-IR(C-II)]

N. P. KESHVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT : 240/2000

Employers in relation to the management of The Manager, W.C.L.

AND

Their Workman Shri Sukhdayal S/o Chhotelal.

#### AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub Section (1) and Sub Section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/19/2000-IR(CM-II) dated 4-8-2000 on following schedule.

#### SCHEDULE

"Whether the action of the management of Ganpathi Mine of WCL, Pench Area, PO : Parasia, Distric Chhindwara (MP) in terminating the services of Sh. Sukhdayal S/o Chhotelal, Tub Loader, T. No. 3453 of Ganpathi Mine w.e.f. 28-10-98 is justified? If not, to what relief the workman is entitled?"

This reference was received in this Tribunal in September, 2000 from Ministry of Labour, New Delhi. Notices were issued to the parties and 17-10-2000 was fixed. Again 29-11-2000 was fixed.

On the above dates 17-10-2000 and 29-11-2000 both the parties absented. Nobody appeared from the side of the management or from the side of the workman to appear and the case. On 16-1-2001 the management moved application for adjournment. On this date also the workman did not turn up. No Statement of Claim was filed by the workman or any representative of his union.

On 31-1-2000 again registered notice was issued against the workman. The notice was received back on 9-2-2001. The case was again adjourned to 20-3-2001. The management moved application for closing the case and submitted Written Statement. The case was again fixed to 27-4-2001. Nobody turned up from the side of workman to represent the case on this date also.

I have heard the Counsel for the management. The counsel for management argued that the workman remained absent from the duty several times. He absented from 5-11-96 to 28-1-97. He again absented from duty from 20-5-97 to 16-6-97. Chargesheet was issued to him and he was awarded punishment of warning. He again absented from 2-2-98 to 22-5-98.

He absented from 19-12-96 to 20-7-98 without intimation or permission and sanction of leave. Chargesheet No. 467 dated 21-7-98 was issued to him. He submitted his reply dated 22-7-98.

The Departmental Enquiry was conducted against him and he was dismissed from services w.e.f. 28-10-98.

The workman has not submitted any Statement of Claim and has not mentioned any reasons for absence for his duty on the dates mentioned above by the management in the Written Statement dated 20-3-2001

The reference is therefore disposed off for want of prosecution.

#### ORDER

The workman Sukhdayal has not submitted any Statement of Claim either himself or through his union representative. Nobody turned up to contest the case from the side of workman.

The reference is therefore disposed off for want of prosecution.

Dated : 27-4-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 17 मई, 2001

का. अ. 1233—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण



जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-5-2001 को प्राप्त हुआ था।

[सं. एल-22012/192/88-आई आर (सी-II)]  
एन. पी. केशवन्, डेस्क अधिकारी

New Delhi, the 17th May, 2001

S.O. 1233.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 17-5-2001.

[No. L-22012/192/88-IR(C-II)]

N. P. KESAVAN, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

Case No. CGIT|LC|R|272|89

PRESIDING OFFICER : SHRI K. M. RAI.

Shri Dhannu, through:  
The Secretary,  
Bhartiya Koyla Khadan Mazdoor Sangh (BMS),  
Mohan colliery Branch,  
PO Ambara,  
Distt. Chhindwara ... Applicant.

Versus

The Manager,  
Mohan Colliery,  
PO Ambara,  
Distt. Chhindwara. ... Non-applicant.

AWARD

Passed on this 10th day of April, 2001

1. The Government of India, Ministry of Labour vide order No. L-22012|192|88-D.IV.B.I|JR(C-II) dated 14-12-89 has referred the following dispute for adjudication by this tribunal —

“Whether the action of the management of Mohan colliery of M|S. WCL in terminating services of Shri Dhannu S|O Chinga Haulage Driver w.e.f. 15-9-87 when his date of birth recorded in the certificate issued by the Nagarpalika Parishad Chandametta is 1-10-88 is justified? If not, what relief the workman concerned is entitled to?”

2. The case for the workman is that he was working as driver in Mohan Colliery of WCL, Distt. Chhindwara. On 18-9-87, he was served with a notice dated 15-9-87 of Management that he had already reached the age of superannuation on 15-9-87 and therefore he was retired. According to the certificate issued by the Municipal Council, Chandametta his date of birth was 1-10-38 and therefore he was entitled to continue in service upto 1-10-88. He was illegally retired w.e.f. 15-9-87.

3. The workman further contends that on 21-12-80, the management issued a circular containing the list of workers and their age and the copy of the same was forwarded to the Union for information. After seeing the notice board, the workman immediately represented the matter to the management for the correction of his date of birth. The management did not correct the date of birth till 15-9-87. The order of retirement passed by the management is absolutely illegal as due notice for retirement was not given to him under the rules. This order amounts to retrenchment. The management has illegally retired him 11 years before his due date of retirement. This order therefore deserves to be quashed. He is entitled to reinstatement with back wages.

4. The case for the management is that the workman was employed as haulage khalasi on 1-7-56 at Mohan colliery. At the time of appointment the workman gave his date of birth as 1-7-26 which was correctly entered into the Form-B register by the management. This entry was made on the basis of the information given by the workman and his thumb impression was also obtained on the said Form B register. While subscribing to be the member of the Coal Mines Provident Fund Scheme, the workman had also given his declaration regarding the date of birth in the form submitted for the purpose. In this form also he had given his date of birth as 1-7-26. In the year 1984, the management had displayed the notice on the notice board showing the name of the workmen and their date of birth and had invited objections within 90 days in this respect. The workman did not file any objection regarding his date of birth mentioned in the notice. According to the implementation instruction No. 37 of IBCCI no case for review of the date of birth will be entertained if there is no difference in the date of birth recorded in the registers maintained by the management. In view of all these facts, it is clear that the actual date of birth of the workman is 1-7-26 and not 1-10-38 as claimed by him. He was rightly retired w.e.f. 15-9-87. He is not entitled to reinstatement with back wages.

5. The following issues arise for decision in the present case:

1. Whether the workman was illegally retired by the management w.e.f. 15-9-87.
2. Whether the workman is entitled to reinstatement with back wages.
3. Relief and costs?

6. Issue No. 1 & 2 : The workman has challenged his retirement by the management w.e.f. 15-9-87. According to him, his date of birth as per certificate issued by the Nagar Palika Parishad, Chandametta is 1-10-38. In view of this date of birth he should have been retired w.e.f. 1-10-98. The management has specifically denied the claim of the workman. According to them, the workman's date of birth was entered in form-B register as 1-7-1926 and therefore he had been correctly retired w.e.f. 15-9-87.

7. From the evidence on record, it appears that at the time of appointment, the date of birth of workman was entered in the form B register as 7-7-26. He had also put his thumb impression on the attendance register. This information was registered on

the basis of information given by the workman himself. At the time of subscribing to be a member of the Coal Mines Provident Fund Scheme he had also given declaration regarding the date of birth in the prescribed form as 1-7-26. This entry was made on the information given by the workman himself. After coming into force of the implementation instruction No. 37 issued by the JBCCI the management had displayed a notice in the year 84 on the notice board indicating the date of birth of its employees. It was mentioned in the said notice that the objection if any should be submitted within a period of 90 days. In the said notice, the date of birth of the workman Dhanna was shown as 1-7-26. The workman did not raise any objection regarding his date of birth. This action of the workman clearly goes to show that he had accepted the correctness of his date of birth displayed on the notice board. This very date of birth was entered in Form B register and other relevant documents of the management.

8. The workman raised the objection regarding the correctness of his date of birth after he retired from service. The workman has submitted the copy of the certificate Ex. W-1 issued by the Municipal Council, Chandametta on 28-9-87. This certificate goes to show that the workman's date of birth was entered as 1-10-38 on 28-9-87. It means that the workman kept silence in respect to the correctness of his date of birth till he retired from service. This silence amounts to acceptance of the correctness of the date of birth entered at the time of getting the employment. Then entry in the certificate W-1 has been done at the belated stage on the information of the workman himself. Such certificate cannot be accepted as true evidence regarding the correctness of the date of birth of the workman. It is not clear on which basis the workman's date of birth as 1-10-38 was entered on 28-9-87. This certificate will not in any manner help the workman to establish his claim that his date of birth is 1-10-38 and not 1-7-26. The workman should have properly represented in the year 1984 to correct his date of birth when his date of birth was displayed on the notice board as per implementation instruction no. 37 of JBCCI. He failed to do so even after notice in this respect. At the belated stage his contention cannot be accepted that his date of birth is 1-10-38 and not 1-7-26.

9. In the light of foregoing reasons, it is held that the workman's correct date of birth is 1-7-26 and not 1-10-38 as claimed by him. His date of birth was properly entered into Form B register by the management on his own declaration and information submitted at the time of getting the employment. There is no reason to discard the version of the management in this respect. The workman has miserably failed to prove that his date of birth was wrongly entered by the management in the relevant records at the time of his appointment. In view of this fact it is held that he was rightly retired from service w.e.f. 15-9-87 after attaining the age of superannuation. No illegality in this respect has been committed by the management. The workman is therefore not entitled to reinstatement with back wages Issues Nos. & 2 are answered accordingly.

10. Issue no. 3 :- In view of the finding given on Issue Nos. 1 & 2 it is held that the workman is rightly retired from service w.e.f. 15-9-87 on the basis of

his correct date of birth as 1-7-26. He is not entitled to reinstatement with back wages as claimed by him. The reference is accordingly answered in favour of the management and against the workman.

11. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 17 मई, 2001

का. आ. 1234—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबन्धतंत्र के संबंध, नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-5-2001 को प्राप्त हुआ था।

[न. एल-22012/415/99-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 17th May, 2001

S.O. 1234.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 16-5-2001.

[No. L-22012/415/99-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT : 90/2000

Employers in relation to the management of The Manager, W.C.L.

AND

Their Workman Shri Baba Mahadeo Gurnule

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/415/99/IR(CM-II) dated 29-02-2000/07 03-2000 on following schedule.

## SCHEDULE

"Whether the action of the management namely Manager, Mahakali Colliery of WCL, PO : & Distt. Chandrapur in terminating Sh. Baba Mahadeo Gurnule, Ex. Loader, MKC of WCL is legal, proper and justified ? If not, to what relief the workman is entitled and from which date ? What other directions are necessary in the matter ?"

Baba Mahadeo Gurnule Ex. Loader has submitted Statement of Claim on 27-06-2000 that he was appointed as loader in Mahakali Colliery w.e.f. 11-11-94. The chargesheet was issued against him on 19-02-97. Due to illness and some family problems he was unable to attend his duty and remained absent. He has been dismissed from service from 07-05-97. He may be reinstated into service.

The management of WCL stated that the workman Baba Mahadeo Gurnule has been dismissed from service because he absented several times. He was warned on 30-04-95 and 23-07-95 for remaining absent. During the year 1993, 1994, 1995 and 1996 he several time absented but was allowed to do the work. For his absence from 27-11-96 he was issued chargesheet on 23-12-96. was allowed to work during the pendency of enquiry.

In spite of above warnings and chargesheets Baba Mahadeo Gurnule did not show any improvement in his conduct and again started absenting from 15-02-97 and chargesheet was issued on 19-02-97. The enquiry was conducted against him from 20-3-97 and his service was terminated on 07-05-97.

In this case it is admitted to both the parties that enquiry was conducted against the workman and he had participated in the enquiry. Thus, the enquiry in this case was conducted fairly and according to the principles of natural justice. The next question is regarding the punishment awarded to the workman.

Both the parties have submitted their written arguments in this case.

The management has also submitted 16 documents to show the absence of the workman from duty. The enquiry report has also been submitted. The Enquiry Officer has mentioned that the workman had absented frequently during three and half years before the enquiry. He was absented from 15-02-97. The workman has accepted the charge levelled against him. The workman has admitted that he was absenting from his duties w.e.f. 15-02-97, because he had some domestic problems. His wife, and sons and daughters had not been staying with him since last three and half years. The charge against the workman has been proved.

The management has submitted paper no. 15, Exhibit No. 12 that, in January 96 he worked for 5 days, in February 96 he worked for 11 days, in March 96 he was totally absent for whole month, in April 96 he worked for 3 days in May 96 remained absent for full month, in June 96 he worked for 5 days.

This document i.e. letter no. 689 dated 08-09-96 also shows that during year 1993 he worked for

150 days, In 1994 for 80 days. In 1995 for 113 days. In the charge dated 19-02-97 these details are also given. The chargesheet is Exhibit No. M.1. The chargesheet shows the workman Baba M. Gurnule worked for 150 days in 1993. In 1994 for 80 days. In 1995 for 113 days and 1996 for 54 days only.

The workman has not explained any satisfactory reason for his absence for the periods mentioned above. There is no Medical Certificate on record to show that the workman was suffering from any disease or his any family member was ill.

In these circumstances the punishment awarded to the workman is justified.

## ORDER

The action of the management namely manager, Mahakali Colliery of WCL in terminating the services of Shri Baba Mahadeo Gurnule, Ex. Loader is legal, proper and justified.

The workman is not entitled to any relief.

The reference is answered accordingly.

Dated : 04-05-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 17 मई, 2001

का. आ. 1235.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में. केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-5-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 17th May, 2001

S.O. 1235.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 17-5-2001.

[No. L-22025/25/2001-IR(C-II)]

N. P. KESAVAN, Desk Officer

## ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
GODAVARIKHANI

## PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-  
cum-Presiding Officer.

Tuesday, the 1st day of May, 2001

Industrial Dispute No. 38 of 2000

## BETWEEN

Gannerla Durga Raju, S/o Bondyalu,  
Age 41 yrs., Occ : Coal Filler,  
EC. No. 2332762 in KK. 5A Incline of  
Singareni Collieries Co. Ltd.,  
Mandamarri Area, Adilabad District,  
R/o. H. No. 40-7, Vepal Basti,  
Kalyanikhani-504231,  
District Adilabad

Petitioner.

## AND

The Singareni Collieries Co. Ltd.,  
R/by its General Manager,  
Mandamarri Area,  
PO Kalyanikhani, Adilabad  
District.

Respondent.

This petition coming before me for final hearing in the presence of Sri E. Jagga Reddy, Sri V. Rajesh, Advocates for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

## AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947 as amended by A. P. Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was working as Coal-Filler. He participated in an illegal strike and argued with the management on 23-6-99. Charges were framed against him. Domestic enquiry was conducted and the petitioner was dismissed from service w.e.f. 7-4-2000.

2. Respondent filed counter stating that the petitioner participated in an illegal strike demanding payment of incentive to coal-fillers as per the old scheme though they were not entitled as per the new scheme.

3. Ex M-1 to Ex. M-29 are marked.

4. Heard both sides.

5. The point for consideration is whether the charges against the petitioner are proved, if so, whether the punishment of removal from the service is in proportion to the charges.

6. Point : Ex. M-1 is charge-sheet. The charges are statutory charges going on an illegal strike without giving 14 days notice and breach of Mines Act and any other Act or rules or regulations.

It shows that the petitioner participated in an illegal strike on 18-5-98 only.

Ex. M-3 is explanation to the charge-sheet. The petitioner stated that all the workmen of the 1st shift demanded for old incentive scheme. It was not strike. He did not participate in any illegal strike.

7. The petitioner admitted that he demanded for old incentive scheme alongwith other workmen. It may be considered as strike work. But it lasted only one day.

I, therefore, consider that the charge against the petitioner that he participated in the strike only one day is proved, but the punishment of dismissal of the petitioner from the service is not in proportion to the charge. Hence, I answer the point accordingly.

In the result, this petition is partly allowed. The order of dismissal of the petitioner from the service is set-aside. The petitioner shall be reinstated into service within one month from the date of publication of the Award without back wages, but with continuity of service. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 1st day of May, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding  
Officer

## Appendix of Evidence

## Witnesses-examined

For Workman :—

For Management :—

Nil.

Nil

## Exhibits

For Workman :—

Nil.

For Management :—

Ex. M-1 dt. 19-5-98—Charge-sheet.

Ex. M-2 dt. 30-6-98—Acknowledgement.

Ex. M-3 dt. 1-7-98—Explanation to charge-sheet.

Ex. M-4 dt. 18-11-98—Enquiry proceedings.

Ex. M-5 dt. 12-6-99—Enquiry report.

Ex. M-6 dt. 15-7-99—Application of the petitioner.

Ex. M-7 dt. 17-7-99—Lr. addressed to the petitioner by.

Ex. M-8 dt. 21-7-99—Acknowledgement.

Ex. M-9 dt. 3-7-99—Dismissal letter.

Ex. M-10 dt. 8-7-99—Acknowledgement.

Ex. M-11 dt. 25-6-99—Charge-sheet.

Ex. M-12 dt. 28-6-99—Acknowledgement.

Ex. M-13 dt. 1-7-99—Explanation to charge-sheet.

Ex. M-14 dt. 8-7-99—Enquiry notice.

Ex. M-15 dt. —Acknowledgement.

Ex. M-16 dt. 21-7-99—Enquiry proceedings.

Ex. M-17 dt. 2-9-99—Enquiry report.

Ex. M-18 dt. 25-9-99—Show-cause notice.

Ex. M-19 dt. 25-9-99—Acknowledgement.

Ex. M-20 dt. 5-10-99—Representation of petitioner.

Ex. M-21 dt. 5-4-2000—Dismissal letter of petitioner.

Ex. M-22 dt. 6-4-2000—Acknowledgement.

Ex. M-23 dt. 8-7-99—Charge-sheet.

Ex. M-24 dt. 31-7-99—Enquiry notice.

Ex. M-25 dt. 8-7-99—Representation of petitioner.

Ex. M-26 dt. 6-8-99—Enquiry notice.

Ex. M-27 dt. 10-8-99—Enquiry proceedings.

Ex. M-28 dt. 31-8-99—Enquiry report.

Ex. M-29 dt. 8-9-99—*Lr.* issued to the petitioner confirm the suspension duty from 10-7-99 to 19-7-99.

नई दिल्ली, 17 मई, 2001

का. आ. 1236.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अभिन्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-5-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 17th May, 2001

S.O. 1236.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 17th May, 2001

[No. L-22025/25/2001-IR(C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
GODAVARIKHANI

#### PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Tuesday, the 1st day of May, 2001  
Industrial Dispute No. 144 of 1999

#### BETWEEN

Indoori Ramaiah, S/o Shankaraiah,  
Age 43 yrs., Occ : Coal Filler,  
R/o Nambala village in Rebbana Mandal,  
Adilabad District. . . Petitioner.

#### AND

1. The Colliery Manager, Kalyankhani 5-A,  
C.A. (F&A, M.M.) Mandamarri Division,

2. The General Manager,  
Mandamarri Area.

3. The Managing Director,  
Singareni Collieries Co. Ltd.,  
Kothagudem. . . Respondents.

This petition coming before me for final hearing in the presence of Sri S. Bhagavantha Rao, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following:—

#### AWARD

1. This is a petition filed U/s 2-A(2) of the Industrial Disputes Act, 1947 as amended by A.P. Amendment Act, 1987.

Facts of the case briefly are as follows:—

The petitioner was working as coal-filler. The petitioner was not paid salary from January, 1998 to December, 1998. Charge was framed against him for his absence from January, 1998 to December, 1998. The petitioner attended to duty for 74 days only in 1998. Domestic enquiry was conducted and the petitioner was dismissed from the service w.e.f. 22nd October, 1999.

2. Respondents filed counter.

3. Ex. W-1 to Ex. W-27 and Ex. M-1 to Ex. M-9 are marked.

4. Heard both sides.

5. The point for consideration is whether the charge against the petitioner is proved, if so, whether the punishment of dismissal of the petitioner from the service is in proportion to the charge.

6. Point : Ex. M-1 is chargesheet.

Ex. M-2 is explanation to the charge-sheet. The petitioner admitted that he was absent on a number of days in 1998. The cause of his absence was ill-health. He did not submit any medical certificate for his absence.

7. The petitioner was dismissed from the service after conducting domestic enquiry. Since the petitioner did not produce any medical certificate for his absence in the domestic enquiry, the documents now filed by the petitioner to show that he was suffering from ill-health, cannot be believed. The petitioner worked for 74 days only in the year, 1998.

I consider that the charge against the petitioner is proved and the punishment of removal of the petitioner from the service is in proportion to the charge. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of dismissal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 1st day of May, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

#### Appendix of Evidence

##### Witnesses-examined

For Workman :— Nil.  
For Management :— Nil.

##### Exhibits

For Workman :—

- Ex. W-1 dt. 13-3-95—Office order.
- Ex. W-2 dt. 8-3-96—Office order.
- Ex. W-3 dt. 10-8-99—Application of petitioner (xerox copy).
- Ex. W-4 dt. 1-9-98—Application of petitioner (xerox copy).
- Ex. W-5 dt. 30-3-98—Proforma of the treatment.
- Ex. W-6 dt. 9-4-97—Medinova Diagnostic services under G.I., endoscopy.
- Ex. W-7 dt. 9-4-97—Treatment particulars of petitioner.
- Ex. W-8 dt. 9-4-97—Treatment particulars of petitioner.
- Ex. W-9 dt. —Ultrasonography of the abdomen of petitioner.
- Ex. W-10 dt. 9-4-97—Treatment particulars of petitioner.
- Ex. W-11 dt. 9-4-97—Physical examination particulars of petitioner.
- Ex. W-12 dt. 22-5-97—Doctor prescription of the petitioner issued by Sai Orthopaedic and Maternity Clinic.
- Ex. W-13 dt. 5-2-99—Appollo Hospital doctor prescription.
- Ex. W-14 dt. 7-8-99—Appollo Hospitals treatment particulars of petitioner.
- Ex. W-15 dt. 24-8-96—Appollo Hospitals treatment particulars of petitioner.
- Ex. W-16 dt. 7-8-99—Dr. M. S. Reddy, Appollo Hospital prescription.
- Ex. W-17 dt. 16-3-97—Lr. issued by the Dy. M.S., M.M., SCCL., Mandamarri Area.
- Ex. W-18 dt. —Certificate issued by Dr. M. S. Reddy, M.D., to the petitioner.
- Ex. W-19 dt. —Endoscopy report of petitioner.
- Ex. W-20 dt. —Endoscopy report of petitioner.
- Ex. W-21 dt. 5-2-97—Lr. No. CHK/Corp/14 issued by the C.M.O.
- Ex. W-22 dt. 4-1-97—Lr. No. CHK/Corp/14/70 issued by C.M.O.

Ex. W-23 dt. 21-9-98—Charge-sheet.

Ex. W-24 dt. 7-4-2001—Ultrasonography report.

Ex. W-25 dt. —Scanning report.

Ex. W-26 dt. 4-9-99—Form 'M' notice of initial/periodical medical examination.

Ex. W-27 dt. —Medical receipts.

For Management :—

Ex. M-1 dt. 5-3-99—Charge-sheet.

Ex. M-2 dt. 23-3-99—Reply to the charge-sheet.

Ex. M-3 dt. 2-7-99—Enquiry notice.

Ex. M-4 dt. 14-7-99—Enquiry proceedings.

Ex. M-5 dt. 28-7-99—Enquiry report.

Ex. M-6 dt. 9-9-99—Show-cause notice.

Ex. W-7 dt. 21-1-99—Acknowledgement.

Ex. M-8 dt. 21-9-99—Mercy application.

Ex. M-9 dt. 13-10-99—Dismissal letter.

नई दिल्ली, 17 मई, 2001

का. आ. 1237.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अथवा न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-5-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर (सी-II)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 17th May, 2001

S.O. 1237.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Godavari Khani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 17-5-2001.

[No. L-22025/25/2001-IR(C-H)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.C.,  
Chairman-cum-Presiding Officer.  
Tuesday, the 1st day of May, 2001  
Industrial Dispute No. 174 of 1999

## BETWEEN

Ch. Ashok Kumar,  
S/o Brahmaiah,  
Age 25 years,  
H. No. 11-87, Brahmanwada,  
Raolawada,  
Asilabad in Adilabad Distt. ... Petitioner

## AND

1. Head Master,  
S. C. High School,  
Madaram Township-504220,  
Adilabad Distt.
2. Additional Chief Mining Engineer,  
Bellampalli Division-I,  
Adilabad Distt.
3. ... Co. Ltd.,  
Division-I,  
Bellampalli,  
Adilabad Distt.
4. Managing Director,  
Singareni Collieries Co.,  
Kothagudem in Khammam Distt. ... Respondents

This petition coming before me for final hearing in the presence of Sri S. Bhagavantha Rao, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :—

## AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as night-watchman by the General Manager, Singareni Collieries on 24-8-1984. He was absent from duties for five days i.e., from 17-4-86 to 21-4-86. He was not allowed to perform his duties on 22-4-86. He was removed from the service on 1-8-86 orally. He suffered from typhoid from 9-5-86 to 31-7-86. The petitioner received show-cause notice dt. 7-5-86 about his absenteeism.

2 Respondent No. 3 filed counter stating that the petitioner was appointed as watchman on 24-8-84. He was confirmed on 10-10-85. The petitioner was absent from duties from 16-4-86 onwards and never turned-up in spite of several letters addressed to him. The petitioner is not a workman.

Respondents 1, 2 and 4 filed memo adopting the counter filed by respondent No. 3.

3. Ex. W-1 to Ex. W-4 and Ex. M-1 to Ex. M-7 are marked.

4. Heard both sides.

5. The point for consideration is whether the petitioner can be reinstated into service.

1532 GI/2001—17.

6. POINT : The petitioner was appointed as Watchman on 24-8-84. He was absent from duties from 17-4-86 onwards. The present petition was filed on 23-12-99. On this ground, the petition deserves to be dismissed.

7. The petitioner has not claimed that he worked in an Industry. The petitioner also has not claimed that he is a workman.

At any stretch of imagination, a school cannot be termed as industry even though the school was run by an industry.

I consider that the school is not an industry and the petitioner is not a workman.

Therefore, the petitioner cannot be reinstated into service. The petitioner cannot be reinstated into service on the ground of delay of 13 years in filing the petition. Hence, I answer the point accordingly.

In the result, this petition is dismissed. Each party to bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 1st day of May, 2001.

P. GURUNADIA RAO, Chairman-cum-Presiding Officer

## Appendix of Evidence

## Witnesses examined

For Workman :	For Management :
-Nil-	-Nil-

## Exhibits

For Workman :

Ex. W-1 dt. — Medical certificate (xerox copy).

Ex. W-2 dt. 16-4-86 Office-order (xerox copy).

Ex. W-3 dt. 7-5-86 Lr. addressed to the petitioner by the Head-Master, S.C. High School (xerox copy).

Ex. W-4 dt. March, 1982 Secondary School Certificate (xerox copy).

For Management :

Ex. M-1 dt. 24-8-84 Office-order.

Ex. M-2 dt. 10-10-85 Office-order.

Ex. M-3 dt. 11-12-85 Show-cause notice.

Ex. M-4 dt. 11-12-85 Application of petitioner.

Ex. M-5 dt. 11-12-86 Warning Letter issued to the petitioner.

Ex. M-6 dt. 7-5-86 Notice issued to the petitioner advising him to report for duty.

Ex. M-7 dt. 18/21-10-86 Notice issued to the petitioner advising him to report for duty.

नई दिल्ली, 4 मई, 2001

का.प्र. 1238.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, विजया बैंक के प्रबंधन के संबंध में निोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2001 को प्राप्त हुआ था।

[म. एल-12011/43/90-आई प्रार(बी-II)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 4th May, 2001

S.O. 1238.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on 04-05-2001.

[No. L-12011/43/90-IR(B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 1st May, 2001

#### PRESENT:

Hon'ble. Shri V. N. Kulkarni, B.Com., LL.B.,  
Presiding Officer.

C.R. No. 76/90

#### I PARTY

The General Secretary,  
Vijaya Bank Employees Federation,  
220 Cubbonpet, Main Road,  
Bangalore-560002.

#### II PARTY

The Chairman-cum-Managing Director,  
Vijaya Bank,  
Head Office,  
Trinity Circle,  
M.G. Road,  
Bangalore-560001.

#### AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of sub-section (1) and Sub-section (2A) of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12011/43/90-IR(B-II) dated 4-12-1990 for adjudication on the following schedule.

#### SCHEDULE

"Whether the action of the management of Vijaya Bank is justified in stopping the services of Shri Danaiah? And whether the management of Vijaya Bank is justified in non-regularising 10 daily rated employees of the bank listed in the annexure? If not, to what relief the workmen concerned are entitled?"

2. The first party union has filed Claim Statement. The case of the first party in brief is as under:

The case of the first party is that the Second Party management has been engaging daily rated casual workers to carry out the work of permanent employees in this department. The work in the depart-

ment is consistent in volume and treated as normal/regular work of the department. A comparative chart showing wages earned by the daily rated casual workers and wages applicable to the permanent employees at the beginning scale is furnished at the Annexure-2. The workmen are covered under Industrial Disputes Act 1947. The action of the management is malafide. The action is violative of various Bipartite settlement amounts to unfair labour practice. The first annexure discloses the names of the workmen in the dispute. Annexure 2 is a comparative chart showing wages earned by the daily rated casual workers and wages applicable to permanent employees as existed at the time of raising the dispute i.e. 24-4-1989 and thereafter. Annexure 3 is the statement showing the number of days worked by the workmen in the dispute from 1986 to 10-12-1990.

3. The main grievance of the first party workmen is that they have been engaged as daily rated casual workers to carry out the work of permanent employees in Printing and Stationery Department at Head Office of the bank. It is the further case that they have been working from 1986 continuously discharging duties of permanent workmen, they have not been regularised to work in the cadre of last category of the post available in the bank and therefore the conduct of the second party opposed to labour legislation, exploitation of the unemployment problem, denial of legitimate wages. They have also contended the action of the second party is violative of various Bipartite settlements and amounts to unfair labour practice as enumerated in the 5th schedule to the amended Industrial Disputes Act, 1947. They have further alleged that there is violation of principles of equal pay for equal value of work.

4. As regards workman Dhanaiah is concerned it is said that he has been terminated from service without following statutory provisions, such as issuing the notice, conducting an enquiry and the termination is not justified under Section 33 of the Act as conciliation was pending during that period. The stopping of the work amounts to unfair labour practice and tantamount to retrenchment and therefore the mandatory requirement under Section 25F Clauses (a) and (b) of the Act are violated.

5. The first party for these reasons has prayed to pass an award in his favour.

6. Second party appeared and filed objections.

The contention of the second party is that the work in the Printing and Stationery Department is being carried out by the officers, Clerks, Sub Staff and assisted by coolies/casual workers for unloading and loading of stationery items. Only qualification required for coolies/casual workers is to assist the 3 category of employees mentioned above and therefore there was no insistence for prescribed age, qualification and regular selection. They are engaged to work whenever there is work available. Therefore no muster roll is maintained.

7. The Second party also states that there is no continuity of work but on humanitarian grounds their services are continued. They have also further contended that the term of coolies does not covered by any Award/Settlements governing the bank employees. Therefore these categories are specifically excluded as seen from para 16.9 of Desai Award. It is their further contention that these casual workers cannot be regularised and Danaiah cannot be reinstated as his work found to be unsatisfactory. According to the second party the principles of equal pay for equal work is not applicable in this case.

8. They contended that the federation has no locus-standi to espouse the cause of the persons involved in this case and no valid industrial dispute has been raised by the federation as there was only two recognised trade unions, Vijaya Bank Workers Organisation and Vijaya Bank Employees Association which recognised by the Bank. The total strength of the employees covered by various awards and settlements are 9730. Which are called as 'Award Staff' and out of them 5126 are members of the workers organisation which represents 52.59 per cent. The employees association, represents by 2908 workmen and the strength of the Federation is only 923 and therefore the Federation has not been recognised



by the Bank. Thus the issue raised by the Federation in respect of person named in the reference remains not transformed in the industrial dispute within the meaning of Section 2(k) of the I.D. Act.

9. Their further defence is that the workman in question are casual and daily wagers and unless they satisfy the conditions of regular employment they are not justified for regularisation in the second party. It is their further contention that they cannot be compared to the work of regular sub-staff because of vast difference. They prayed for rejecting the reference.

10. It is seen from the records that on behalf of the management 3 witnesses were examined and various documents are marked. For the first party workman 2 witnesses are examined.

11. The Second party has alleged that Danaiah was also a coolie and his work and conduct was not satisfactory so they stopped engaging him. After close of the evidence, both sides filed Written arguments and certain citations.

12. I have carefully read the evidences of all the witnesses and perused documents. I have carefully considered written arguments filed by the parties. In view of the rival contentions we have to see whether the management is justified in stopping the services of Danaiah and further not regularising 10 daily rated employees.

13. The first witness for the management is Chikkaiahshetty and according to his evidence coolies were engaged for loading and unloading of stationery. That work is done between April to November and there is no supply from December to March. The work is seasonal. This witness was working in the procurement section.

14. MW2 is Shri M. J. Patel and his evidence is that he was the head of stock and supply section in 1986 and the supply was made from April to November. From December to March is lean season. It is also deposed by him that coolies were engaged for loading and unloading of stationery items in addition to regular staff. He has also stated that the work of Danaiah was not satisfactory. MW3 is Shri V. B. Shetty and according to his evidence there are three categories of employees in the Bank, Officers, Clerks and sub-staff. The Officers and clerical staff indentured through BSRB, and for sub staff the bank invite the vacancies to the concerned Employment Exchange for sponsoring required number of employees and appoint accordingly. He has also deposed that coolies are engaged if there is necessity and they are not come under regular category of employees.

15. I have considered this evidence carefully. They are cross examined at length but nothing is made out from their cross examination which help the first party Union. It is clear that the workmen were only coolies. It is also in the evidence that the first party workmen were engaged during December to March depending on the exigencies of work.

16. Against this, General Secretary of the Union examined as WW1 and Danaiah is examined as WW11. Admittedly WW1 never worked in the Printing and Stationery Section. He does not know the strength of employees working in the Printing and Stationery Supply Section. He does not know as to whether age restrictions is imposed in respect of these coolies or not. This WW1 has no personal knowledge in respect of work of the Printing and Stationery Supply Section. Danaiah has stated that he has worked diligently.

There is no reason to discard the evidence of MW1 to MW3.

17. It is clear from the records that as per Sastry Award there were only 3 categories of employees. They are Officers, Staff and Sub-staff and there is no category of coolies and therefore the first party union is not justifying in claiming regularisation of the coolies in this department. It is also clear from the evidence on record that there is no sufficient work to be provided to the coolies everyday. It was vehemently contended by the first party that from the cross examination of MW2 it is clear that the nature of work discharged by the workmen are permanent and perennial in nature.

18. I am of the opinion that there is no force in this argument because the workmen are only coolies engaged whenever there is seasonal work. The coolies are not considered as 'award staff'. The coolies cannot be members of federation. The management has proved that the work is temporary and not permanent. Therefore, there is no merit in the argument advanced by the first party as enumerated in para 10 of the Written Argument.

19. There is another contention by the second party that there is no proper espousal of the dispute. The first party union has not filed any paper to prove as to what type of meeting was called by the first party union. No resolution is passed. The first party federation is only minority union and the members of the said union is having only 329 out of 9746 employees. It is also clear from the records that substantial number of workmen have not supported in raising the present dispute. It has come in the evidence of the first witness that workmen that only 'award' staff can become members of the first party federation and therefore, it is clear that the first party union has no locus standi to raise this dispute for coolies. No evidence is produced by the first party to show about the membership of coolies. Admittedly the coolies are engaged on day to day basis. It is clear from the records that no age restriction is imposed while engaging the coolies and no educational qualification is insisted, the only qualification is their physical fitness. So far as regular appointment is concerned there is a procedure and that is followed.

20. The management witnesses have categorically said in their evidence that the work performance, attitude and behaviour of Danaiah was not satisfactory, and therefore he was not engaged as coolie.

21. Taking all this into consideration there is no force in the argument of first party union that stopping of work of Danaiah is illegal. Admittedly Danaiah was not engaged against any post. Both sides have relied citations and I read them carefully.

22. First party relied the following citations :

- (1) AIR 1990 Supreme Court 371
- (2) AIR 1990 Supreme Court 374
- (3) AIR 1986 Supreme Court 132

23. I have read the above citations of the first party. Facts of the case on hand are different from the facts of the above citations.

24. I have also read the citations cited by the second party. Keeping in mind the principles held in the citations relied by the 2nd party I am of the opinion that the workmen of the first party were not holding any regular appointment and therefore the management is justified in not regularising coolies of the first party union.

25. I have given my best consideration to the entire material before me and I have read all the citations carefully cited by the parties and I am of the opinion that this reference has no merit. Accordingly I proceed to pass the following order.

#### ORDER

The reference is rejected.

(Dictated to P.A transcribed by her corrected and signed by me on 1st May 2001.)

SHRI V. N. KULKARNI, Presiding Officer  
1-5-2001.

नई दिल्ली, 4 मई, 2001

का.आ. 1239.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद

में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलोर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2001 को प्राप्त हुआ था।

[सं. एल-12012/182/95-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 4th May, 2001

S.O. 1239.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 4-5-2001.

[No. L-12012/182/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 30th April 2001

#### PRESENT :

Hon'ble Shri V. N. Kulkarni B.Com., LLB., Presiding Officer.

C.R. No 123/97

#### I PARTY

The General Secretary,  
Vijaya Bank Workers  
Organisation,  
No 37/1, 1 Floor,  
Car Street,  
Ulsoor,  
Bangalore.

#### II PARTY

The Divisional Manager  
Vijaya Bank (Personnel  
Department)  
No. 14, M.G. Road,  
Bangalore-560001.

#### AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/182/95-IR(B-II) dated 22nd March, 1996 for adjudication on the following schedule :

#### SCHEDULE

"Whether the action of the management of Vijaya Bank, Bangalore in imposing the penalty of two increments on Smt. S. Nirmala Devi, Clerk vide their order dated 4-1-1989 is legal and justified ? If not, to what relief is the said workman is entitled?"

2. During the pendency of the proceedings, on 26-4-2001 it was submitted by the learned counsel for the first party that the first party has taken voluntary retirement and the dispute does not survive and orders may be passed.

3. In view of the submissions made by the counsel for the first party I pass the following order :

#### ORDER

The reference is disposed off, granting permission to withdraw the dispute accordingly.

(Dictated to PA transcribed by her corrected and signed by me on 30th April, 2001).

SHRI V. N. KULKARNI, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1240.—औद्योगिक विवाद अर्धविवक्षित, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार संद्वल बैंक ऑफ इंडिया के प्रबंधन के मवद्ध नियो-जकों और उनके कामकारो के बीच, अगुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलोर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2001 को प्राप्त हुआ था।

[सं. एल-12012/214/92-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 4th May, 2001

S.O. 1240.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 4-5-2001.

[No. L-12012/214/92-IR(B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, BANGALORE

Dated : 30th April, 2001

#### PRESENT :

Hon'ble Shri V. N. Kulkarni B.Com. LLB, Presiding Officer.

C. R. No. 78/92

#### I PARTY

N. Ramesh  
S/o Narasaiah,  
Central Bank of India  
Kotmangala Branch,  
Bangalore-34  
(Advocate-M. S. Anandaramu)

#### II PARTY

The Regional Manager,  
Central Bank of India  
Regional Office,  
P.B. No. 5129,  
No. 24, Crescent Road,  
Bangalore-1  
(Adv. Pradeep Saukar)

#### AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/214/92-IR (B. II) dated 9-10-1992 for adjudication on the following schedule.

#### SCHEDULE

"Whether the action of the management of Central Bank of India in dismissing Shri N. Ramesh is justifiable? If not, to what relief is the workman entitled?"

2. The first party workman joined the services of the second party as Peon w.e.f. 1-7-1985 and in the year 1987 he was promoted as cash peon and was transferred to Koremngale Branch. The first party workman was found fraudulently withdrawn a sum of Rs. 35,000 from the HSS Account No. 520 of Smt. Vanaja. Therefore charge sheet was issued and enquiry was initiated. On the basis of the enquiry report the first party was dismissed. So Industrial dispute is raised.

3. First party appeared and filed claim Statement. The case of the first party in brief is as under :—

4. It is the case of the first party that he was discharging his duties delinently and sincerely to the entire satisfaction of his superiors. Due to hard work he was promoted. Memo were issued suspending him but the same was not correct. Allegation is that the first party fraudulently withdrawn Rs. 35,000 is not correct. He gave explanation but nothing was considered. The enquiry is not correct. Full opportunity was given to him. The finding of the enquiry was not correct. Police complaint was lodged as stated in para 5 of the claim Statement and he approached the Civil Court. Enquiry was conducted in his absence. The charge is not correct. The management forcibly obtained statements from the first party workman. The first party for these reasons and many other reasons has prayed to pass award in his favour.

5. Second party appeared and filed counter.

6. The case of the second party is that the action of the second party in terminating the services is justified. The enquiry was held properly. The case against the first party was proved. Regarding enquiry it is stated by the second party in detail that full opportunity was given to the first party on different dates. But first party suppressed all the facts and filed suit in O.S. There was no coercion or duress as alleged by the first party. All the allegations made by the first party are not correct. The second party for these reasons has prayed to reject the reference.

7. It is seen from the records that on behalf of the second party MW2 is not cross examined by the first party. MW1 is cross examined by the first party. It is seen from the records that my learned predecessor by his order dated 4th June 1999 has held that the domestic enquiry is fair and proper and answered the said issue in the affirmative. Thereafter the case was posted for arguments. This is a very old case. Many adjournments were given and arguments were heard.

8. In view of the finding given in affirmative holding that the domestic enquiry is fair and proper now the question that arises for consideration is whether the punishment is proportionate or requires any interference. I have considered the entire material of the enquiry proceedings and I am of the opinion that full opportunity was given to the first party and finding was given. Nothing is pointed out by the first party to say that the finding is perverse. First party gave evidence and he was cross examined by the second party. His evidence was considered while giving finding on domestic enquiry and I am of the opinion that there is no perversity in the finding of the enquiry. The charge against the first party was that he was found fraudulently withdrawing a sum of Rs. 35,000 from HSS Account No. 520 of Smt. Vanaja on six occasions. The charge is serious in nature. The first party being workman of the nationalised bank is expected to work honestly but he had fraudulently withdrawn a sum of Rs. 35,000.

9. On behalf of the second party it was argued that once the enquiry is properly held and order of dismissal is passed considering the nature and gravity of the misconduct, it is not proper for the labour court to interfere with the order of management. In the instant case when the first party workman has misappropriated the amount, the management is justified in dismissing him from the service.

10. In support of this the learned counsel for the second party relied the following citations :

- (1) 1995 (1) LLJ 1076(DB)=1995(1) LLJ 233(SB)
- (2) AIR 1998 SC 2311=1998 I AB IC 2514.

(3) 1996 LAB IC 1056 (SC).

(4) JT 1998 (9) SSC 37.

(5) JT 1989 (2) SC 132.

(6) 1987 LAB IC 77.

(7) AIR 1997 SC 2661.

(8) AIR 2000 SC 3023.

(9) 1999 (II) LLJ 155.

11. I have read them carefully. Admittedly the charge being serious in nature and keeping in mind the principles held in the above decisions I have no hesitation to say that this reference has no merit and the punishment is proportionate. Accordingly I proceed to pass the following order :—

#### ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 30th April 2001.)

SHRI V. N. KULKARNI, Presiding Officer

नई दिल्ली, ४ मई, 2001

का.आ. 1241.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा बैंक ऑफ इंडिया के प्रबंधन के संबंध निरीक्षणों और उनके कर्मचारियों के बीच, अतुल्य से निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम/अथवा न्यायलय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[नं. एन-12012/225/97-आई.आर.(बी-II)]

जी. गंगाधरन, उबर सचिव

New Delhi, the 4th May, 2001

S.O. 1241.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 03.05.2001.

[No. L-12012/225/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/3/98

Presiding Officer : Shri K. M. Rai  
Shri Prakash J. Meshram,  
through Bank of India Staff Union,  
Jabalpur branch,  
Ashirvad Market,  
Jabalpur.

.... Applicant

Versus

Regional Manager,  
Bank of India,  
Govind Kunj Colony,  
Napier Town,  
Near Russel Chowk,  
Jabalpur.

.... Non-applicant

## AWARD

Passed on this 10th day of April, 2001

1. The Government of India, Ministry of Labour vide order No. L-12012/225/97-1R(B, II) dated 5-1-95 has referred the following dispute for adjudication by this tribunal—

"Whether the action of the management of Bank of India, Jabalpur in dismissing the services of Shri Prakash J. Meshram, Staff Daftri, Bilaspur branch by an order dated 22-3-96 is legal and justified? If not, what relief the said workman is entitled to?"

2. The case for the workman is that he had worked for 22 years in Bank of India, Bilaspur with full sincerity and honesty. He was never punished for any misconduct during the course of his employment. On 10-12-93, the management served him with a chargesheet stating charges as under:—

- (1) He had allegedly stolen away two blank pay slips bearing printed Nos. ORS-0337099 and ORS-0337100 on 7-2-1991.
- (2) He had fraudulently got the signature of Shri K. K. Raha forged on it and he fraudulently wrote in the payees column as Jay Bharat Cycle Stores, Bilaspur on pay slip No. 0337100 and Rohra Cycle Stores, Bilaspur on pay slip No. 0337099 and got remaining entries like amounts and date etc. filed up on the instruments as genuine instrument.
- (3) Having prepared the aforesaid forged instruments, he abetted a third person purportedly named as Ashok Kumar Sahu to present the ingenuine pay slips No. 0337100 for Rs. 12000 dated 9-2-91 to Jai Bharat Cycle Stores, Bilaspur on 9-2-91 who was supplied with spare parts of value of like amounts by the said dealer. The said cycles dealer was thus cheated by the aforesaid amounts with the help of the said forged pay slip No. 0337100.
- (4) He similarly, abetted and caused a person purportedly named as Shri A. K. Sahu to present the pay slip No. 0337099 for Rs. 12,000 dated 9-2-91 to Rohra Cycle Stores, Bilaspur in consideration for purchase of like amounts of spare parts on 9-2-91. The said dealer asked Shri Sahu to come on 11-2-91 to take delivery of spare parts. Meanwhile the facts of fraud committed in pay slip No. 0337100 with Jay Bharat Cycle Stores, Bilaspur came to light and the fraud on pay slip No. 0337099 was averted.

3. The DE was conducted against the workman. During the course of enquiry he was not supplied the relevant documents to meet up his defence. The enquiry officer acted himself partially as a prosecutor with an intent to help the management. The Enquiry Officer did not give him adequate time to cross examine the handwriting expert examined by the management during the enquiry proceedings. In this way the workman was prevented from proving his defence effectively. The Enquiry Officer did not consider the evidence of the workman adduced during the course of enquiry. The finding of enquiry officer is absolutely perverse and based on no evidence. The disciplinary Authority has erred in accepting the report of Enquiry Officer. The charges are not proved against the workman at all. The order of dismissal from service passed by the management is illegal and deserves to be quashed. He is entitled to reinstatement with back wages.

4. The case for the management is that the Enquiry Officer had acted impartially and had given sufficient opportunity to the workman to defend his case properly during the enquiry proceedings. The enquiry was conducted in accordance with the principles of natural justice. All the relevant documents were given to the workman and he was allowed to prove his defence by examining witness and submitting documents. He was never prevented by the Enquiry Officer from proving his defence during the enquiry proceedings. He was given reasonable time to produce the handwriting expert to cross examine the handwriting expert witness Shri Deshpande examined by the management. The workman failed to produce his witness and, therefore, the Enquiry Officer did not give any further adjournment in this respect.

5. The management further alleges that the Enquiry Officer had considered the evidence and other circumstances available on the record in detail and arrived at correct finding that charges 1 and 2 were partially proved against the workman. His finding is based on the material available on record. It is wrong to say that the finding of the Enquiry Officer is perverse and is based on no evidence. The enquiry was held properly against the workman and the finding of the Enquiry officer is perfectly legal and proper. The punishment of dismissal from service is perfectly legal and proper. The punishment of dismissal from service is also appropriate in the circumstances of the case. Hence the workman is not entitled to any relief as claimed by him.

6. The following issues arise for decision in this case:—

1. Whether the Departmental enquiry against the workman by the management is just and proper?
2. Whether the management is entitled to lead evidence to prove the alleged misconduct of the workman?
3. Whether the punishment of dismissal awarded against the workman by the management is just and proper?
4. Whether the workman is entitled to reinstatement with back wages?
5. Relief and costs?

7. Issues No. 1 & 2 : It has been held by my learned predecessor on 8-1-99 that the DE conducted by the management against the workman is just and proper. In view of this finding, the management is not required to lead evidence to prove the alleged misconduct of the workman. Issues No. 1 & 2 are answered accordingly.

8. Issues No. 3 & 4 : The Departmental Enquiry conducted against the workman for the misconduct has been held to be just and proper. In view of this finding the sole question remains to be decided is as to whether the punishment of dismissal awarded against the workman is proportionate in the circumstances of the case or not. From the perusal of enquiry papers, it becomes amply clear that the charges were partially proved against the workman. He had considered the entire evidence adduced by the parties during the enquiry proceedings and other circumstances relating to the alleged misconduct of the workman. After giving due consideration he gave a reasoned finding as charge No. 1 & 2 stand partially proved against the workman. After accepting this report the Disciplinary authority imposed the punishment of dismissal from service and accordingly the workman was removed from service. The Enquiry Report does not go to show that the enquiry officer has given his finding on the basis of no evidence. This court cannot sit over the report of Enquiry Officer as a court of appeal. The evidence also cannot be re-appreciated by this court at this stage. I do not find any illegality in giving the report by the Enquiry Officer as two charges were partially proved against the workman. The charges of misconduct regarding committing theft of two pay slips from the Bank and forging two pay slips in favour of Rohra Cycle Stores and Jay Bharat Cycle Stores have been held to be partially proved. Both the charges are of serious nature and it has caused the loss of confidence in the workman.

9. The workman was holding a sensitive post of Daftri who has the access to the record and stationery in the Bank. By his misconduct he has proved himself to be an unbecoming of sincere workman in the Bank. The confidence has been lost in him. In such a circumstance, looking to the grave charges proved against the workman, the punishment of dismissal from service is absolutely just and proper. Such persons do not deserve to be retained in service any longer by the bank. I therefore, find that the punishment of dismissal from service awarded by the management against the workman is just and proper and does not require any interference. In view of this fact, he is not entitled to reinstatement with back wages. Issues No. 3 & 4 are answered accordingly.

10. Issue No. 5 : In view of the reasons stated above the punishment of dismissal from service awarded by the management against the workman is perfectly legal and proper and does not require any interference in the circumstances of

the case. The workman is also not entitled to any relief as claimed by him. The reference is accordingly answered against the workman and in favour of the management.

11. Copy of award be sent to the Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1242.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2001 को प्राप्त हुआ था।

[सं. एल-12012/239/94-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 4th May, 2001

S.O. 1242.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 4th May, 2001.

[No. L-12012/239/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 2nd May, 2001

PRESENT:

Hon'ble V. N. Kulkarni, Presiding Officer.

C.R. No. 3/97

I PARTY

The General Secretary,  
Vijaya Bank Workers Organisation,  
37/1, Car Street,  
Ulsoor,  
Bangalore-560008.

II PARTY

The Chairman and Managing Director,  
Vijaya Bank H.O.,  
M. G. Road,  
Bangalore-560001.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/239/94-IR(B-II) dated 12th December, 1994 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the management of Vijaya Bank, Bangalore in imposing the penalty of 'Censure' and recovery of 2/5th of the financial loss of Rs. 30,374 caused to the Bank on Shri B. Janardhan, Spl. Asst., is legal and justified? If not, what relief is the said workman entitled to?"

2. The 1st party advocate Shri B. D. Kuttappa, appeared and submits that the I party has taken Voluntary Retirement and he does not want to proceed with the dispute and hence the case may be disposed off.

ORDER

3. Hence, the reference is disposed off as not pressed and closed the file.

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1243.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[सं. एल-12012/281/99-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 4th May, 2001

S.O. 1243.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kolkata as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 03-05-2001.

[No. L-12012/281/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 17 of 2000

PARTIES:

Employers in relation to the management of Punjab National Bank.

AND

Their workmen.

PRESENT:

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCE:

On behalf of Management: Mr. Joy Roy, Manager—Personnel.

On behalf of Workmen: Mr. T. P. Ghorai, Asstt. General Secretary of the All India Punjab National Bank Employees Federation.

STATE: West Bengal

INDUSTRY: Banking

AWARD

By Order No. L-12012/281/99-IR(B-II) dated 23-02-2000 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Punjab National Bank in engaging Shri Sk. Nizam Ali as a Generator Operator in its branch office at Brasourne Road, Kolkata w.e.f. 6-10-79 without giving him the status and privileges of a permanent workman is legal and justified? If not, to what relief is Shri Ali entitled?"

2. The facts leading to the emergence of this reference are as follows. S. Nizam Ali was engaged by the Punjab National Bank on 06-10-1979 as per verbal order of the Branch Manager against daily payment as Generator Operator cum Mechanic. His duty was to run the Bank's generator installed at the bank premises and he continued to work regularly since then. His initial scale of wages was also subsequently enhanced. On 03-06-1983, Sk. Nizam Ali made a representation to the Bank to make his service permanent as Generator Operator. The said representation was addressed to the Chief Manager of the Bank, 18A, Barbroune Road, Calcutta-1. When he did not get any relief, he represented his case to the General Manager of the Bank at New Delhi on 04-07-1987. This letter also did not produce any result and Sk. Nizam Ali sent another representation to the Head Office on 30-05-1988 and again on 15-09-1988. In the meanwhile he had drawn attention of the Zonal Manager, Calcutta through representation dated 05-04-1988 and 23-12-1991. Ultimately Sk. Nizam Ali represented his case to the Chairman by representation dated 26-02-1991 in which he repeated his prayer for regularisation of his service. This time also he did not receive any relief, nor any reply in the matter. Therefore, finding no solution in spite of his constant pursuance, Nizam Ali made another representation on 22-04-1997 requesting the Branch Manager to revise his daily wage from Rs. 47 per day till taking final decision regarding his absorption. He had clearly stated in his representations that he had been attending duties from 9.30 A.M. to 7.30 P.M. regularly on all working days. The Bank again, did not reply to his letter, nor his claim was refuted. Therefore, it is clear that the Bank did not reply to him for 20 years and Sk. Nizam Ali has been serving in the Bank continuously and regularly since 06-10-1979 as Generator Operator of the Bank. As he failed to get any relief from the management in spite of his representations, the trade union had to intervene in the matter and held discussions at various points. When the management was reluctant to agree in the settlement, the union took up the matter with the R.L.C.(C), Calcutta vide letter dated 29-10-1997. But the conciliation effort also did not bear any fruit. Accordingly the matter was finally reported to the Ministry of Labour, Government of India by letter of the R.L.C.(C) dated 26-11-1999 and this reference has been made. It is stated that during the aforesaid period payments were made to the workman monthwise by working out his wages on daily basis, but he was treated as Generator Operator all along. It is also stated that in course of conciliation efforts also the management did not challenge the fact that Sk. Nizam Ali had been working continuously since October, 1979 as Generator Operator. Therefore, it is stated that it will be evident from the facts that the Bank has been utilising the services of Sk. Nizam Ali as Bank's Generator Operator continuously at par with other permanent full-time employees, but instead of regularising his services as permanent Generator Operator, he has been paid lump sum on daily wage basis and thus he has been deprived of his legal and bonafide entitlement taking advantage of his poverty. Accordingly, it has been prayed that the services of Sk. Nizam Ali should be allowed to be made permanent with the consequential benefits.

3. The Bank also appeared in the case and filed a written statement challenging inter alia the maintainability of the reference on the ground that the union which espoused the case of the workman is not competent to represent him and that the matter under reference is not covered under the Industrial Disputes Act as there was no relationship of employer and employee between Sk. Nizam Ali and the management of the Bank. So far as assertions in the averments of the union is concerned, it has been stated that Sk. Nizam Ali was engaged by the Bank on the basis of contract of employment and it was not a contract for employment. According to the Bank the services of the workman were utilised for operating generator as and when required from time to time and the payments have also been made to him by the Bank. It is therefore stated on behalf of the management that the said workman has been employed on daily wage basis to work according to requirements and he does not deserve permanent appointment because his employment has never been on regular and permanent basis. It has been stated that the representations of the workman were not replied to because the Bank did not consider his relationship with the management of the Bank as employee and employer. It is, however, denied that the wages of the workman were revised

from time to time by the Bank. It is also stated that the workman is not as sought for.

4. In course of hearing the workman concerned, Sk. Nizam Ali examined himself as WW-1 and supported his averments in the statement of claim. He said that he has been working as Generator Operator in the Barbroune Road Branch of the P.N.B. since October, 1979 and he remained present on duty on all days excepting for holidays. He also stated that his duty hours are from 9.30 A.M. to 7 or 7.30 P.M. He also stated that his payments have been made through vouchers and while originally he used to receive Rs. 20 per day, he was receiving Rs. 47 presently. He has also stated that he filed several petitions to the management praying for regularisation of his service, but he did not get any reply. He has also stated that he has been getting Rs. 47 per day as wages for last about 10 years. He also stated that for regularisation of his services, he made representation to the different authorities, including the Chief Manager, Zonal Manager, General Manager and the Chairman of the Bank, but no one cared to reply to his letter. He has also stated that the generator which he operates belongs to the Bank. In his cross-examination by the management, he has stated that at the time of his appointment he had not received any appointment letter, but he produced copies of all the letters addressed to the different authorities of the Bank. According to him, he used to remain present every day on duty though the generator is operated only when it is required due to load-shedding. He has denied the suggestion that he does not remain present on duty on all the days.

5. So far as the management is concerned, it has not examined any witness and excepting for whatever has been stated in the written statement of the management by way of denial of the averments in the statement of claim of the union, no evidence has been produced. In this view of the matter, the evidence of the workman appears to be unchallenged and unrebutted. The Bank has also admitted that Sk. Nizam Ali has been in continuous service of the Bank since October, 1979 as Generator Operator. However, the Bank tried to say that though he was engaged as Generator Operator, his job was not of permanent nature and his services were utilised only in case of necessity and he has been paid on daily wage basis all along. Now the question is whether by rendering his service to the Bank regularly for such a long period i.e. more than 20 years, even on daily wage basis, the workman has become entitled to be regularised in the service. The suggestion given to the workman in his cross-examination as WW-1 is also a half-hearted suggestion and in course of submission the representative of the management appearing before this Tribunal faulted to reply to the query whether the workman concerned was called from his residence at the time of necessity or he was required to be present all along to meet the emergency. Apparently it appears to be absurd proposition that because the generator was operated only in case of failure of electricity, the operator is not required to be present all along during the working hours. It is not possible that the operator remains elsewhere and when there is electric failure, he is called to operate the generator. Therefore, there does not appear to be any doubt that the workman concerned was supposed to be present during working hours all along on all working days. The workman has also filed a chart giving out the working days on which he attended office which ranges from 19 days to 27 days in a month. The Bank has neither denied, nor disputed the claim of the workman that he had remained continuously employed as Generator Operator since October, 1979. In this view of the matter, it has been rightly submitted on behalf of the union that this is a clear case of adopting unfair labour practice by the management of the Bank, so far as the case of the workman, Sk. Nizam Ali is concerned. From the facts it also becomes clear that the job of the workman concerned is perennial and permanent in nature because no one knew when his service will be required and therefore he had to be present during working hours on all working days all along.

6. There are several instances of such cases coming up before the Courts and Tribunals from time to time relating

to regularisation of workmen engaged on casual basis or adhoc basis and certain observations made by their Lordships of the Hon'ble Supreme Court in this connection are relevant

7. In the case of State of Haryana v. Piara Singh, AIR 1992 SC 2130 it was observed by their Lordships that "those eligible and qualified and continuing in service satisfactorily for a long period have right to be considered for regularisation. Long continuing in service given rise to a presumption about the need for a regular post. In such cases Government should consider feasibility of regularisation having regard to the particular circumstances with a positive approach and empathy for the concerned person."

8. In another case Bhagwati Prasad v. Delhi State Mineral Development Corporation, AIR 1990 SC 371 it was observed by their Lordships "Once the appointments are made as daily rated workers and they were allowed to work for a considerable length of time, it would be hard and harsh to deny them the confirmation in the respective posts on the ground that they lack the prescribed educational qualifications"

9. In the case of Gujarat Agricultural University v. Rained Ladda Bhatt, AIR 2001 SC 700 it has been observed by their Lordships "It is also well settled, if work is taken by the employer continuously from daily wage workers for a long number of years without considering their regularisation for its material gains as against employees legitimate claim, has been held by this Court repeatedly as an unfair labour practice. In fact, taking work from daily wage worker or ad hoc appointee is always viewed to be only for a short period or as a stop gap arrangement, but we find new culture is growing to continue with it for a long time, either for financial gain or for controlling its workers more effectively with sword of damocles hanging over their heads or to continue with favoured one in the cases of ad hoc employee withstaling competent and legitimate claimants. Thus we have no hesitation to denounce this practice. If the work is of such a nature, which has to be taken continuously and in any case when this pattern become apparent, when they continue to work for year after year, only option to the employer is to regularise them." Their Lordships further proceeded to observe "The consequent corollary is, where work is taken not for a short period or limited for a season or where work is not of part time nature and if pattern shows work is to be taken continuously year after year, there is no justification to keep such persons hanging as daily rate workers. In such situation a legal obligation is cast on an employer if there be vacant post to fill it up with such workers in accordance with rules if any and where necessary by relaxing the qualifications where long experience could be equatable with such qualifications. If no post exists then duty is cast to assess the quantum of such work and create such equivalent post for their absorption."

10. In view of the observations made by their Lordships of the Hon'ble Supreme Court it becomes abundantly clear that keeping a person engaged on daily wage basis for a period of 10 or 20 years is clearly an instance of unfair labour practice and it amounts to exploitation of the workman concerned. There does not appear to be any justification as to why the management of the Bank has been so callous in ignoring the claim of this concerned workman inspite of his persistent demand to regularise his service. There is no allegation that there has been any complaint regarding his efficiency or his character and he has been kept engaged for over 20 years by now. Therefore, by all means it appears to be just and proper that the workman should be regularised as a Generator Operator cum-Mechanic. He is certainly entitled to regularisation of his service by his absorption in the grade of Generator Operator cum-Mechanic. If no such post is available then it is the duty of the management to create a post considering the necessity of the incumbent of the post and the period for which he has been kept engaged. Otherwise also at least the workman is entitled to his absorption in the category of Class-IV employees on regular basis. His case should no further be ignored by the management by any means.

1532 CI/2001—18

11. The reference is answered accordingly and it is held that the action of the management in denying regularisation to the workman, Sk. Nizam Ali is neither legal nor justified. He is accordingly held to be entitled to his regularisation by creation of a permanent post of Generator Operator-cum-Mechanic in Class-IV category. His service should be treated as regularised with effect from the date it was taken before the conciliation officer at least i.e. 29-10-1997. He will be entitled to his back wages also as per the pay scale applicable to the Class-IV employees in the Bank and all other benefits including increments etc counting from that date. However, if the management feels that service of the workman cannot be fully utilised only as Generator Operator cum-Mechanic, some other suitable work may also be assigned to him by issuing a regular order to the effect

B P SHARMA Presiding Officer

Dated Kolkata,

The 19th April, 2001

नई दिल्ली, 4 मई, 2001

का.ग्रा. 1244—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन के संबद्ध निोजको और कर्मकारों के बीच, अन्वय में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[नं एन-12012/385/96-आई एमए (बी-II)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 4th May, 2001

SO 1244—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kolkata as shown in the annexure in the Industrial Dispute between the employers in relation to the management of United Bank of India their workman, which was received by the Central Government on 03-05-2001

[No L-12012/385/96-IR(B II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 1 of 1998

PARTIES:

Employers in relation to the management of United Bank of India.

AND

Their workmen

PRESENT:

Mr Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCE:

On behalf of Management: Mr A. Moitra, Deputy Chief Officer (Law) of the Bank.

On behalf of Workmen: Mr D De Sarkar, General Secretary of the Union.

STATE West Bengal

INDUSTRY: Banking



## AWARD

By Order No. L-12012/385/96-IR(B-II) dated 6/8-01-1998 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the management of United Bank of India, A.S.P. Branch, Durgapur is justified in reducing the special cash allowance of Sri A. K. Moitra, Head Cashier Category A by order No. ASP/Cash Allowance/AKM/217/96 dated 12-6-96 or not? If not, what relief the workman is entitled to?"

2. The present reference relates to a workman, Shri Ashok Kumar Moitra who happened to be Head Cashier in the United Bank of India at Alloy Steel Project Branch at Durgapur (in short A.S.P. Branch). Most of the facts of this case are admitted. Said Shri A. K. Moitra was appointed as a General Clerk in 1977 and was finally posted at the A.S.P. Branch in 1988. In 1995 he was made Head Cashier of the Branch. As he was officiating as Head Cashier Category-A of the Branch he got a special allowance of Rs. 298 per month which was according to the provisions of the bipartite agreement dated 14-02-1995 read with letters of the Bank dated 15/16th June 1995 and 24th June, 1996. The duties of the Head Cashier was to hold Bank's cash, keys and other valuables in safe custody jointly with an officer and he was accountable to the running of the Cash Department as listed duties of Head Cashier. It is stated on behalf of the workman that he was in no way required to manage remittance work at the Branch, but the A.S.P. Branch has regular remittance work and as Head Cashier Shri Moitra had to perform regular remittance work which is to be performed by a Head Cashier of 'E' Category against which admissible special allowance is Rs. 587 per month. Accordingly, Shri Moitra demanded special allowance of Rs. 587 as he was performing duties of Head Cashier Category-E in addition to his duties. He represented his case to the management by a letter dated 25-05-1996. The Branch Manager, however, ignored the claim of the workman and issued a letter dated 12-06-1996 stating that the special allowance of Shri Moitra was reduced from Rs. 298 to Rs. 227 per month with immediate effect. Thereupon the union took up the matter of Shri Moitra and raised an industrial dispute before the A.L.C.(C) Ranigunj for settlement. However, the conciliation ended in failure and the special allowance of Shri Moitra stood reduced. Accordingly, on the matter being reported by the A.L.C. to the Union Government, the reference has been made. It has been claimed on behalf of the union that the entire action of the management is illegal, unlawful, arbitrary and motivated and therefore the order should be quashed. It has been further prayed that his special allowance be restored.

3. On receiving notice of the reference, the management also appeared and filed a written statement in which the facts were admitted. It has been stated that originally Rs. 298 per month was being paid to Shri Moitra in accordance with the bipartite agreement dated 14-02-1995 read with the letters dated 15/16-03-1995 and 24-06-1996. It has been stated that the present dispute cannot be treated as an industrial dispute under section 2(k) of the Industrial Disputes Act, 1947 and the dispute actually is in the nature of interpretation of provision of the bipartite settlement. It is stated that such interpretation of the provision of the settlement can be made only upon a reference under section 36A of the Industrial Disputes Act, 1947 and not under section 10 of the Act. It is also further stated that the service conditions of the workman concerned like other members of the Award Staff are governed by the terms and conditions of their individual contract of service the provisions of Sastri Award, Dewai Award as modified by the industry level bipartite settlement dated 19th October, 1966 as modified from time to time by subsequent settlements. It is also further stated that member of the award staff is paid special allowance if he or she is entrusted with certain duties requiring greater skill or responsibility over and above his/her routine duties and functions and nature of special allowance is determined by the industry-level bipartite settlement. It is further stated that in terms of special allowance duties envisaged in the First Bipartite settlement dated 17 September, 1984 Head Cashier of A.S.P. Branch has to perform the duties of Head Cashier Category-A. Further, it is stated that the rate of special

allowance for the said category Head Cashier as per Sixth Bipartite Settlement dated 14th February, 1995 is Rs. 298 for units of 5 Clerks and above and Rs. 227 of units of 4 Clerks and below. Further, it is stated that as per the policy of the employer Bank the workman so posted as Head Cashier of A.S.P. Branch. It could not be noted that the concerned workman was posted in a branch having unit of 4 Clerks and below in the Cash Department and accordingly his rate of special allowance was mentioned as Rs. 298. It is stated that the relevant time the A.S.P. Branch Cash Unit was comprised of 2 Clerks, excluding the workman concerned and in terms of Sixth Bipartite Settlement he was entitled to special allowance of Rs. 227 per month, instead of Rs. 298 per month. Therefore, the mistake was detected by the management and it was rectified by letter dated 1st June, 1996 and the special allowance of the workman was reduced to Rs. 227 per month vide letter dated 12-06-1996. According to the management the authority is well within its right to rectify a bonafide mistake. It is further stated that the post of Head Cashier has a special allowance in terms of Clause 5.2 of the First Bipartite Settlement and it would appear from Clause 5.6 that the special allowances are intended to compensate a workman for performance or discharge of certain additional duties and functions requiring greater skill or responsibility over and above the routine duties and functions of the workman in the same cadre. Therefore, by no interpretation it can be said that the placement and deployment of an award staff in the clerical cadre to the post of Head Cashier is a promotion. It has been pointed out that from the extract of the settlement filed on behalf of the union itself as Annexure-B to the statement of claims from Serial No. 14 it is clear that the special allowance payable to Head Cashier is Rs. 227 in respect of units of four clerks and below and the unit of four clerks and below is intended to mean the clerk deployed in the Cash Department. This will be clear from the letter dated 24th June, 1996. It is therefore stated on behalf of the management that the workman concerned happened to be a Head Cashier and for this post the special allowance is Rs. 227 per month only and not Rs. 298 as was allowed to the workman concerned by mistake. Regarding other kinds of plea taken on behalf of the union it has been stated that those contentions cannot be entertained under this reference and the only point to be decided is whether the workman concerned is entitled to the special allowance of Rs. 298 per month or Rs. 227 per month as Head Cashier Category-A. It has however been stated that if there is any question of interpretation of the bipartite settlement the present reference is not competent.

4. One witness each has been examined on behalf of the parties. On behalf of the union the concerned workman, A. K. Moitra has examined himself. He has supported the facts stated in the statement of claims and he has stated that there were 14 Clerks in his Branch at the relevant time. In his cross-examination, he has admitted that there were 3 Cash Clerks in the Cash Department and there were 3 Cash-cum-General Clerks and the concerned workman also belongs to the cadre of Cash-cum-General Clerk.

5. MW-1, Loknath Samal who happens to be Assistant Regional Manager (Personnel) in the Bhubaneswar Branch of the Bank has been examined on behalf of the management and he claims that he was posted at Kolkata Head Office in the Personnel Department in 1995. He has stated that there was a provision for payment of special allowance to the Head Cashier according to the bipartite settlement dated 02-05-1995. He further stated that Shri Moitra who was posted at A.S.P. Branch at Durgapur belonged to A Category of Head Cashier. He has further stated that as per the provisions of the agreement where there are 4 Clerks or less, the Head Cashier is entitled to a special allowance of Rs. 227 per month while the Head Cashier in a Branch having 5 or more Clerks in the Cash Department is entitled to Rs. 298 per month. He has also stated that there were only three Clerks in the Cash Department in the branch concerned where Shri Moitra was the Head Cashier. He has also stated that earlier Shri Moitra was granted Rs. 298 as special allowance by mistake but when it was detected the same was corrected and the allowance was reduced to Rs. 227 per month. He has admitted in his cross-examination that total strength of the Clerks in the concerned Branch at the relevant time was 14.



6. It is, therefore, clear that the only question which is for consideration in this case is whether Shri Moitra was entitled to get Rs. 298 per month as special allowance as Head Cashier of the concerned Branch or he is entitled to Rs. 227 per month as ordered by the management. The reference in the matter is specific whether Shri Moitra is entitled to Rs. 298 per month as Head Cashier of Category-A. There is no material to show that Shri Moitra happened to be a Head Cashier of Category-E at it has been stated in the statement of claims. So far as the claim of the union is concerned, it appears to be based on the assumption that the special allowance to the Head Cashier is to be paid on the basis of the total strength of the Clerks in the Branch.

7. In this connection, the copies of some letters and extracts of supplement to guidelines for the staff administration of the United Bank of India have been filed. From the letter dated August 27, 1994 it appears that in paragraph 10 it has been clearly stated that the complement of staff of Cash Department of a Branch will depend upon the number of employees sanctioned for the Cash Department irrespective of the posts being filled up by Cash Clerk or Cash-cum-General Clerk. It is also further mentioned that the Head Cashier's allowance of the Branch will be determined on the sanctioned clerical cadre strength of the Cash Department, as per provisions of the Bipartite settlement. It appears to be the further claim of the workman that he is entitled to the special allowance of Head Cashier Category-E, but there is no material to support the same. Certainly he happens to be a Head Cashier of Category-A and obviously the Head Cashier of Category-A in a Branch where 4 or less than 4 Clerks are posted in the Cash Department is entitled to Rs. 227 per month only. It becomes clear that the special allowance of the concerned workman, Shri Moitra was earlier allowed at the rate of Rs. 298 per month. But it appeared to be a mistake and when it was detected the management corrected the same.

8. Therefore, the reduction of special allowance of the workman from Rs. 298 per month to Rs. 227 per month by the management cannot be treated as illegal, improper or arbitrary. The reference, therefore, is answered accordingly and it is held that the workman is not entitled to any relief as claimed by him.

B. P. SHARMA, Presiding Officer

Dated.

Kolkata, the 20th April, 2001.

नई दिल्ली, 4 मई, 2001

का.अ. 1245—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार सिंडिकेट बैंक के पबंधतंत्र के संलग्न नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथ न्यायालय, बैंगलूर के पंचाट को प्रभावित करती है, जो केन्द्रीय सरकार का 4-5-2001 को लागू हुआ था।

[तं एल-12012/387/89-आई आरडी-1 (ए)]

मो. गंगधरान, अवर सेक्रेटरी

New Delhi, the 4th May, 2001

S.O. 1245.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and

their workman, which was received by the Central Government on 4 May, 2001.

[No. L-12012/387/89-IR(D.MA)]

C. GANGADHARAN, Under Secy.

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 27th April, 2001

#### PRESENT :

Hon'ble Shri V. N. Kulkarni, B. Co., LL.B.,  
Presiding Officer.

C.R. No 13/90

#### I PARTY :

The General Secretary,  
Syndicate Bank Staff Assn.,  
Bangalore.

#### II PARTY :

The Dy. General Manager,  
Syndicate Bank,  
Bangalore.

#### AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/387/89-D. H(A) dated 19th February, 1990 for adjudication on the following schedule.

#### SCHEDULE

"Whether the management of Syndicate Bank is justified in dismissing Shri K. Vasantha Shetty Clerk, Divisional Office, Bangalore from the services of the Bank ? If not, to what relief the said workman is entitled ?"

2. The first party was working as a clerk in the second party management. He was given work in the Postal Outward department at Jayanagar. He had received excess amount of Rs. 16,549.75 against the actual postal expenditure incurred by the bank during the period. Charge sheet was issued. Enquiry was held and on the basis of the report of the enquiry officer the first party was dismissed. So industrial dispute was raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of first party in brief is as under

5. The order of dismissal is not correct. As per the Bipartite Settlement, the second party was required to hear the appeal of the first party against

the order of dismissal but the appeal was not disposed off as per rules and therefore, the industrial dispute is raised.

6. First party has not committed any misconduct as alleged against him in the charge sheet dated 28-10-86. The action of the management is nothing but colourable exercise of power and is malafide and unfair labour practice amounting to victimisation and the action of the management is in violation of all the principles of natural justice. The domestic enquiry is that witnesses were not examined, the enquiry officer acted both as a prosecutor and the judge and has put in question. The finding of the enquiry officer is perverse. In the claim statement in para 7 number of allegations are made regarding enquiry.

7. It is the further case of the first party that he acted faithfully in discharge of his duty at the instructions and directions of his superiors. The first party has said that the order of dismissal is not proper and has prayed to pass an award in his favour.

8. The second party filed counter.

9. The case of the Second party is that the misconduct is proved. The misconduct is defined under clause 9.5 of Bipartite settlement. The first party gave his explanation but it was not satisfactory. Charge sheet was issued. The enquiry is held by giving full opportunity. The first party was represented by Sri A. S. Alse, General Secretary of the Association. Charges were proved. Finding of the enquiry is based on the material evidence both oral and documentary tendered before him at the enquiry. The finding is correct. The misconduct is grave and serious in nature and therefore, the order of dismissal w.e.f. 3-10-88 is correct. In the Counter para wise replies were also given. The Second party has said that the punishment is proportionate to the gravity of misconduct. The allegation that he acted on the directions of the higher authorities is not correct. The first party is employed after dismissal. The Second party for these reasons has prayed to reject the claim.

10. It is seen from the records that by an order of 30th April, 1999, my learned predecessor passed orders holding that the domestic enquiry is proper and valid and gave finding in the affirmative. So far as domestic enquiry is concerned the management examined one witness MW 1 and various documents are marked. Against this first party got examined himself.

11. In view of the finding on preliminary issue now the question that arises for my consideration is whether there is any perversity in the finding given by the enquiry officer and the punishment awarded is disproportionate. The first party has filed written arguments. I have heard both sides and perused all the enquiry proceedings.

12. It was argued by the learned counsel for the second party that the first party has misappropriated a sum of Rs. 16,649.75 and the modus operandi was that he has received the amount in excess of postal expenses and detail investigation was made and as per the statements established that the first party intentionally received excess amount against the total amount spent towards postal expense. The material before us is sufficient to say that the first party has committed misconduct being a responsible official in the nationalised bank. It was argued on behalf of the first party that there is no misappropriation and there is only clerical mistake and therefore the misconduct is not serious.

13. It was also argued on behalf of the first party that the first party was appointed as attender and he was promoted as clerk and he was doing duties properly and therefore he is entitled for all benefits. It may be a fact that initially he was appointed as attender and subsequently he was promoted as Clerk. This aspect will not help the first party in any way because after he was promoted as Clerk he was entrusted with his postal work and he is supposed to work honestly but he has not worked honestly and as per the documents before us very systematically he claimed excess amount from the bank.

14. It is seen from the records that it is held that the domestic enquiry is fair and proper. Now the first party has failed to establish the perversity in the finding given by the Enquiry Officer.

15. The learned counsel for the second party vehemently argued that this is not a fit case to take lenient view and in support of this argument relied decision in appeal No. WA. No. 2594/1994 dated 15th November, 1994 between D. Padmanabhu and Bank of India and others. I have read the above decision of the Hon'ble High Court of Karnataka. In the instant case when there is a finding that the enquiry is fair and valid now the question of quantum of punishment is to be considered. Admittedly the first party has misappropriated the amount belonging to the customers. Keeping in mind the principles held in the decision referred above I am of the opinion that looking to the seriousness of the misconduct, the order of dismissal is proportionate. The learned counsel for the second party has also relied AIR 1996 Supreme Court, 1249, 1998 LAB IC 2514, 1998 LAB IC 2517, Supreme Court, AIR 1999, 625 and AIR 1999 Supreme Court 635, AIR 1997 Supreme Court 2148 and decision of High Court of Madras, W.P. No. 12175/1988 and WMP Nos. 18151/1988 and 7413/1989 dated August 7, 1998.

16. I have read the above decision carefully and keeping in mind the principles held in the above decisions. I am of the opinion that there is merit in the arguments advanced by the learned counsel for the second party that the misconduct being serious

in nature and the fact that the domestic enquiry is held fair and there are no good grounds to interfere with the punishment awarded by the management.

17. Taking all this into consideration I am of the opinion that there is no merit in this reference. Accordingly, I proceed to pass the following order.

### ORDER

The Reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 27th April, 2001.)

SHRI V. N. KULKARNI, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1246.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संवद्ध निषेधकों और उनके कर्मचारों के बीच, अन्वय में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2001 को प्राप्त हुआ था।

[सं. एल-12013/31/98-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 4th May, 2001

S.O. 1246.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 4th May, 2001.

[No. L-12013/31/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 30th April, 2001

### PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LL.B.,  
Presiding Officer.

C. R. No. 8/99

### I PARTY :

The Asstt. Secretary,  
All India Bank of Maharashtra Employees  
Federation, C/c Bank of Maharashtra,  
Opp. National College, Bangalore-4  
(Advocate : V. V. Dharwadkar)

### II PARTY :

The Regional Manager,  
Bank of Maharashtra,  
Regional Office,  
Police Station Road,  
Basavanagudi, Bangalore,  
(Advocate : N. Mahalingam)

### AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12013/31/98-IR(B-II) dated 14-1-1999 for adjudication on the following schedule.

### SCHEDULE

Whether the action of the management of Bank of Maharashtra in imposing the multiple punishment upon Shri Venugopal is legal and justified? If not, to what relief the said workman is entitled?

2. First party workman was working in the second party. Charge sheet was issued and enquiry was conducted against the workman. Punishment was awarded so industrial dispute is raised.

3. First party appeared and filed Claim Statement. First party has a union and the workman is Venugopal.

4. The punishment is bad and the workman was compulsory retired. The punishment was on many counts separately. His basic pay was reduced. Special Assistance Allowance was withdrawn. The case of the first party workman is that he was not guilty but many punishments are awarded which is not correct. The letter of confession was obtained under duress. The management did not produce any documents and enquiry was not properly hold. The finding given by the enquiry officer is not correct. The first party for these reasons has prayed to pass an award in favour of the workman.

5. Second party appeared and filed counter.

6. The case of the second party is that the workman has already confessed his having committed the irregularities and there is no merit in this reference. The enquiry is proper and valid. Full opportunity was given to the workman. The enquiry officer after examining all the evidence and documents, applied his mind and gave finding. The second party for these reasons and some other reasons has prayed to reject the reference.

7. It is seen from the records that the first party submitted that the domestic enquiry is fair and proper. In view of this submission case was posted for arguments on merit. Accordingly on merit arguments were heard.

8. In view of the submissions made by the first party conceding the fairness of the domestic enquiry now we have to see whether the finding of the

enquiry officer is correct, and the punishment is proportionate.

9. I have considered the entire material produced before the enquiry officer and I am of the opinion that the enquiry officer after giving full opportunity has rightly come to the conclusion and there is no perversity in the finding. The first party could not point out any perversity in the finding given by the enquiry officer. The only argument on behalf of the first party was that in the instant case the management has passed imposing multiple punishment and the same is disproportionate and amounts to unfair labour practice and the same is harsh. I have considered this argument very carefully. Admittedly it is clear from the records that the entire amount was deposited by the first party workman by selling his property. It is also clear that order of compulsory retirement is passed. There are multiple punishments but in my opinion the fact that the first party workman is no more in service ends of justice will meet if the punishment of compulsory retirement is upheld. In my opinion considering the facts, the other punishment of stopping special allowance and bringing down the scale of pay by 2 stages is not proportionate and one punishment of compulsory retirement is sufficient.

10. Accordingly I proceed to pass the following order.

#### ORDER

The reference is partly allowed. The punishment of compulsory retirement is upheld and the other two punishments are set aside so that the first party workman will get pension benefits according to law. Accordingly the award is passed.

(Dictated to PA transcribed by her corrected and signed by me on 30th April, 2001)

SHRI V. N. KULKARNI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.सा. 1247.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्णन में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधन के संबंध में निर्यात और उनके कर्मचारियों के बीच, अनबध में निर्यात औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 11-5-2001 को प्राप्त हुआ था।

[म. एल-40012/247/92-आई आर (ड्यु)]  
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1247.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of Telecom Department and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/247/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/73/94

Presiding Officer : Shri K. M. Rai.

Smt. Bhaga Bai,  
through : All India Telegraphs  
Engineering Employees Union,  
88, M. G. Road,  
Indore.

Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

Non-applicant.

#### AWARD

Passed on this 6th day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/247/92/IR(DU) dated 9-5-94 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Dy. General Manager, Telecom Department of Telecommunication, Indore, telephones in retrenching the services of Smt. Bhaga Bai w.c.f. 1-6-90 is justified? If not, what relief he is entitled to?”

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 1-3-88 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Section 25B of I.D. Act, 1947 he was removed from service by the oral order dated 1-6-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Section 25F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be

quarant. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Section 25F of I.D. Act, 1947 is not required at all. The workman was not given any appointment and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case :

1. Whether the workman was illegally retrenched from service by the management w.e.f. 1st June, 1990?
2. Whether the workman is entitled to reinstatement with back wages?
3. Relief and costs?
6. Issue No. 1: The termination has been defined in Section 2(oo) as under :

Retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include :

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) termination of the service of a workman on the ground of continued ill-health.

7. Admittedly the workman had continuously served with the Telecommunication Department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services, he was not given one month notice

in writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spends retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this, the termination of workman in the instant case amounts to retrenchment as laid by the Supreme Court in *State of Madras v. P. V. S. Narayana Murthy*, AIR 1977, SC, page 5, 14/s. *Indian Union Steel Ltd., v. Union Presiding Officer, Labour Court, Gurgaon* and others, AIR, 1980, SC, page 1210. *Senotol Gupta versus State Bank of Patiala*, AIR, 1981, SC, page 1253 *Mohanlal versus Management of M/s. Bharia Electronics Ltd.* AIR, 1982, SC, pg. 954, *L. Robert Discour versus Executive Engineer, Southern Railway* and another. In this way, every termination of service of workman, which is not covered by exception of Section 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Section 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2: The workman had continuously worked for more than one year in the employment of Telecom Department, Indore as admitted by them. His continuous service was far more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Section 25-F of the Industrial Dispute Act, 1947 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3 : On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case parties shall bear their own cost.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.रा. 1248.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार दर संवार विभाग के प्रबंधक के संबद्ध निरीक्षकों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबतक

के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[सं. एन-40012/248/92-आई आर (डीयू)  
कुलदीप राय वर्मा, डेस्क अधिकारी]

New Delhi, the 11th May, 2001

S.O. 1248.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/248/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/37/94

Presiding Officer :

Shri K. M. Rai  
Shri Dinesh Dhaman  
through : All India Telegraphs  
Engineering Employees Union  
88, MG Road,  
Indore

Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

Non applicant.

### AWARD

Passed on this 6th day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/248/92. IRDU dated 15-3-94 has referred the following dispute for adjudication by this tribunal.

“Whether the action of the Dy. General Manager, Telecom Deptt. of Telecommunication, Indore, telephones in retrenching the services of Shri Dinesh Dhaman w.e.f. 20-1-90 is justified? If not, what relief he is entitled to?

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 1-7-88 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Section 25B of I.D. Act, 1947 he was

removed from service by the oral order dated 20-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Sec. 25 F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Sec. 25 F of I.D. Act 1947 is not required at all. The workman was not given any appointment and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case.

1. Whether the workman was illegally retrenched from service by the management w.e.f. 20-1-90?

2. Whether the workman is entitled to reinstatement with back wages?

3. Relief costs?

6. Issue No. 1 : Retrenchment has been defined in

Sec. 2(oo) as under :

retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include:

a. voluntary retirement of the workman; or

b. retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

bb. termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer

and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ;or

c. termination of the service of a workman on the ground of continued ill health.

7. Admittedly the workman had continuously served with the Telecommunication department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services, he was not given one month's notice in writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact, the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR, 1976, SC, page, 1111, SBI versus Shri Sunder S. Mani, AIR 1977, SC, pg. 31, M/S Hindustan Steel Ltd., versus Presiding Officer, Labour Court Orissa and others. AIR, 1980, SC, page 1219, Santosh Gupta versus State Bank of Patiala, AIR 1981 SC, Page 1253, Mohanlal versus Management of M/s Bharat Electronics Ltd. AIR, 1982, SC, pg. 854, L. Robert D'Souza vrs. Executive Engineer, Southern Railway and another. In this way, every termination of service of workman, which is not covered by exception of Sec. 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Sec. 2(oo) of the I.D. Act, 1947, hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2 :—The workman had continuously worked for more than one year in the employment of Telecom Deptt., Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Sec. 25-F of the Industrial Dispute Act, 1937 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3:—On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का आ '1249'—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संज्ञक नियोजकी और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[म. एल-40012/249/92-आई प्रार (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1249.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 11-5-2001.

[No L-40012/249/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/58/94

Presiding Officer Shri K. M. Rai.  
Shri Jagdish,  
through: All India Telegraphs  
Engineering Employees Union,  
88, M. G. Road,  
Indore.

.. Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

Non-applicant.

AWARD

Passed on this 3rd day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/249/92-IRDU dated 15-3-94 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Dy. General Manager, Telecom Department of Telecommunication, Indore, telephones in retrenching the services of Shri Jagdish w.e.t. 24-1-90 is justified? If not, what relief he is entitled to?”

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 1-1-88 on daily wage basis for laying the telephone

line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Section 25B of I.D. Act, 1947 he was removed from service by the oral order dated 24-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Section 25F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Section 25F of I.D. Act, 1947 is not required at all. The workman was not given any appointment and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case :—

1. Whether the workman was illegally retrenched from service by the management w.e.f. 24th January, 1990?
2. Whether the workman is entitled to reinstatement with back wages?
3. Relief and costs?

6. Issue No. 1 : Retrenchment has been defined in Section 2(oo) as under :

Retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include :

- (a) voluntary retirement of the workman; or

- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or

- (c) termination of the service of a workman on the ground of continued ill health.

7. Admittedly the workman had continuously served with the Telecommunication Department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services, he was not given one month notice in writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact, the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR 1976, SC. page. 1111, SBI versus Shri Sunder S. Mani, AIR 1977, SC. pg. 31, M/s. Hindustan Steel Ltd., versus Presiding Officer, Labour Court Orissa and others. AIR. 1980 SC, page 1219, Santosh Gupta versus State Bank of Patiala. AIR. 1981. SC. Page 1253. Mohanlal versus Management of M/s. Bharat Electronics Ltd. AIR. 1982. SC. pg. 854, L. Robert Disouza vrs. Executive Engineer, Southern Railway and another. In this way, every termination of service of workmen, which is not covered by exception of Sec. 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Sec. 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2 :

The workman had continuously worked for more than one year in the employment of Telecom Deptt. Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Sec. 25. F of the Industrial dispute Act, 1937 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.



## 9. Issue No. 3 :

On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का आ 1250—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधन के सब्सिडीयोजको और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[स. एन-40012/251/92-आई आर(डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1250.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 11-5-2001

[No. L-40012/251/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/61/94

Presiding Officer : Shri K. M. Rai.

Shri Radhesham  
through All India Telegraphs  
Engineering Employees Union,  
88, MG Road,  
Indore.

Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore

...Non applicant

## AWARD

Passed on this 8th day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/251/92. IRDU dated 15-3-94 has referred the following dispute for adjudication by this tribunal.

"Whether the action of the Dy. General Manager, Telecom Deptt. of Telecommunication, Indore, telephones in retrenching the services of Shri Radhesham w.e.f 26-1-90 is justified? If not, what relief he is entitled to?"

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 1-3-85 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Sec. 25B of I.D. Act, 1947 he was removed from service by the oral order dated 26-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Sec. 25F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his service were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Sec 25F of I.D. Act 1947 is not required at all. The workman was not given any appointment and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case.

1. Whether the workman was illegally retrenched from service by the management w.e.f. 26-1-90?
2. Whether the workman is entitled to reinstatement with back wages?
3. Relief and costs?
6. Issue No. 1 : Retrenchment has been defined in Sec. 2(oo) as under :

retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action but does not include.

- a. voluntary retirement of the workman; or
- b. retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- bb. termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- c. termination of the service of a workman on the ground of continued ill health.

7. Admittedly the workman had continuously served with the Telecommunication department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services he was not given one month's notice in writing indicating the reasons for termination : At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact, the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR, 1976, SC, page 1111, SBI versus Shri Sunder S. Mani, AIR 1977 SC pg 31, M/s. Hindustan Steel Ltd. versus Presiding Officer, Labour Court Orissa and others, AIR, 1980 SC, page 1219, Santosh Gupta versus State Bank of Patiala AIR, 1981, SC, Page 1253, Mohanlal versus Management of M/s, Bharat Electronics Ltd. AIR 1982, SC pg 854, L. Robert Disouza vrs. Executive Engineer, Southern Railway and another. In this way, every termination of service of workman, which is not covered by exception of Sec. 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Sec. 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2 : The workman had continuously worked for more than one year in the employment of

Telecom Deptt., Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Sec. 25F of the Industrial Disputes Act, 1947 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3 : On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.प्रा 1251.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[स. एल-40012/253/92-आई आर (डीयू)]

कुन्ददीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1251.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/253/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/74/94

Presiding Officer : Shri K. M. Rai.  
Shri Ramchandra  
through : All India Telegraphs  
Engineering Employees Union  
88, MG Road,  
Indore

...Applicant.

## Versus :

The District Manager,  
Telecommunications,  
Indore.

.. Non applicant.

## AWARD

Passed on this 5th day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/253/92-IRDU dated 9-5-94 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the Dy. General Manager Telecom Deptt. of Telecommunication, Indore, telephones in retrenching the services of Shri Ram Chandra w.e.f. 26-1-90 is justified? If not, what relief he is entitled to?"

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 3-2-85 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Sec. 25B of I.D. Act, 1947 he was removed from service by the oral order dated 26-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Sec. 25 F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore, The compliance of provisions of Sec. 25 F of I.D. Act 1947 is not required at all. The workman was not given any appointment and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and

therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case:

1. Whether the workman was illegally retrenched from service by the management w.e.f. 26-1-90?

2. Whether the workman is entitled to reinstatement with back wages?

3. Relief and cost?

6. Issues No. 1 : Retrenchment has been defined in Sec. 2(oo) as under :

retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include,

a. voluntary retirement of the workman; or

b. retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

bb. termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or

c. termination of the service of a workman on the ground of continued ill health.

7. Admittedly the workman had continuously served with the Telecommunication department for a period of more than one year. His continuous service in the Department was more than 240 days before terminating his services he was not given one months notice in writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR 1976 SC. page, 1111, SBI versus Shri Sunder S. Mani, AIR 1977 SC. pg. 31, M/s. Hindustan Steel Ltd. versus Presiding Officer Labour Court Orissa and others, AIR, 1980 SC. page 1219, Santosh Gupta versus State Bank of Patiala AIR 1981, SC Page 1253 Mohanlal versus Management of M/s. Bharat Electronics Ltd. AIR, 1982 SC pg. 854, L. Robert Disouza vrs. Executive Engineer, Southern Railway and another. In this way, every termination of service of workman, which is not covered by exception of Sec. 2(oo) amounts to retrenchment. The present case of workman is not

covered under any of the exception of Sec. 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2 : The workman had continuously worked for more than one year in the employment of Telecom Deptt. Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Section 25F of the Industrial Dispute 1937 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3 : On the reasons stated above the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer.

नई दिल्ली, 11 मई, 2001

का.आ 1252—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[स एल-40012/254/92-आई आर (डीयू)]  
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1252—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Department and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/254/92-IR(DU)]  
KULDIP RAI VERMA, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/62/94

PRESIDING OFFICER : SHRI K. M. RAI.

Shri Ghansham Choudhary,  
through All India Telegraphs  
Engineering Employees Union  
88, MG Road,  
Indore.

... Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

... Non-applicant.

## AWARD

Passed on this 9th day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/254/92-IR(DU) dated 15-3-94 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the Dy. General Manager, Telecom. Department of Telecommunication, Indore, telephones in retrenching the services of Shri Ghansham Choudhary w.e.f. 24-1-90 is justified? If not, what relief he is entitled to?”

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 21-12-87 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Section 25-B of I.D. Act, 1947 he was removed from service by the oral order dated 24-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Section 25-F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining

the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman was employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Section 25F of I.D. Act, 1947 is not required at all. The workman was not given any appointment order and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case :

1. Whether the workman was illegally retrenched from service by the management w.e.f. 24-1-90 ?
2. Whether the workman is entitled to reinstatement with back wages ?
3. Relief and costs ?

6. Issue No. 1.—Retrenchment has been defined in Section 2(oo) of I.D. Act, 1947 as under :

retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action but does not include :

- (a) voluntary retirement of the workman ; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf ; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ; or
- (c) termination of the service of a workman on the ground of continued ill health.

7. Admittedly the workman had continuously served with the Telecommunication Department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services he was not given one month's notice in writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms.

In view of this fact, the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR, 1976, SC page 1111, SBI versus Shri Sunder S. Mani, AIR 1977, SC pg. 31. M/s. Hindustan Steel Ltd., versus Presiding Officer, Labour Court Orissa and others, AIR, 1980, SC, page 1219. Santosh Gupta versus State Bank of page 1219. Santosh Gupta versus State Bank of Patiala, AIR, 1981, SC, page 1253. Mohanlal versus Management of M/s. Bharat Electronics Ltd., AIR, 1982, SC, pg. 854. L. Robert Disouza vrs. Executive Engineer, Southern Railway and another. In this way, every termination of service of workman, which is not covered by exception of Sec. 2(oo) of ID Act amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Sec. 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2.—The workman had continuously worked for more than one year in the employment of Telecom Department Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Sec. 25-F of the Industrial Disputes Act, 1947 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3.—On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.आ. 1253.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध निरोधकों और उनके कर्मचारियों के बीच, श्रद्धा में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पचाड को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[सं. एल-40012/255/92-आई आर (बीयू.)]

कुलदीप राय वर्मा, ईम्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1253.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Cen-

tral Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Department and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/255/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

CASE NO. CGIT/LC/R/75/94

PRESIDING OFFICER : SHRI K. M. RAI.

Shri Ramesh Chandra  
through : All India Telegraphs  
Engineering Employees Union,  
88, MG Road,  
Indore.

...Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

...Non-applicant.

### AWARD

Passed on this 9th day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/255/92-IR(DU) dated 9-5-94 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the Dy. General Manager, Telecom Department of Telecommunication, Indore, telephones in retrenching the services of Shri Ramesh Chandra w.e.f. 25-1-90 is justified? If not, what relief he is entitled to?"

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 1-12-87 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Sec. 25-B of I.D. Act, 1947 he was removed from service by the oral order dated 25-1-90. He was not been given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Sec. 25-F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is

still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman was employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Section 25F of I.D. Act, 1947 is not required at all. The workman was not given any appointment order and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case :

1. Whether the workman was illegally retrenched from service by the management w.e.f. 25-1-90?
2. Whether the workman is entitled to reinstatement with back wages?
3. Relief and costs?

6. Issue No. 1.—Retrenchment has been defined in Section 2(oo) of I.D. Act, 1947 as under :

retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action but does not include :

- (a) voluntary retirement of the workman ; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf ; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ; or
- (c) termination of the service of a workman on the ground of continued ill health.

7. Admittedly the workman had continuously served with the Telecommunication Department for a period of more than one year. His continuous service

का अणु 1254.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में केन्द्रीय सरकार दर मंचांग विभाग के प्रबंधन के संलक्ष निशेजकों और उनके कर्मकारों के बीच, अन्तर्गण में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिगण अन्तरा 1532 CH/2001 -20



service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Section 25F of I.D. Act, 1947

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Section 25F of I.D. Act, 1947 is not required at all. The workman was not given any appointment and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case :

1. Whether the workman was illegally retrenched from service by the management w.e.f. 26th January, 1990 ?
2. Whether the workman is entitled to reinstatement with back wages ?
3. Relief and costs ?

6. Issue No. 1 : Retrenchment has been defined in Section 2(oo) as under :

Retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include :

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf ; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry

or of such contract being terminated under a stipulation in that behalf contained therein ; or

- (c) termination of the service of a workman on the ground of continued ill health.

7. Admittedly the workman had continuously served with the Telecommunication Department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services, he was not given one month notice in writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination is retrenchment. The termination takes place when the term expires either by the active step of the manager or running out of the stipulated terms. In view of this fact, the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR. 1976, SC. page 1111, SBI Versus Shri Sunder S. Mani, AIR 1977, SC. page 31, M/s. Hindustan Steel Ltd., Versus Presiding Officer, Labour Court, Orissa and others. AIR. 1980, SC. page 1219. Santosh Gupta Versus State Bank of Patiala. AIR. 1981, SC. Page 1253. Mohanlal Versus Management of M/s. Bharat Electronics Ltd. AIR. 1982, SC. page 854, L. Fobert Disouza Versus Executive Engineer, Southern Railway and another. In this way, every termination of service of workman, which is not covered by exception of Section 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Section 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2 : The workman had continuously worked for more than one year in the employment of Telecom Department, Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the condition of Section 25-F of the Industrial Disputes Act, 1937 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3 : On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer



नई दिल्ली, 11 मई, 2001

का.आ. 1255.—औद्योगिक विवाद, औद्योगिक, 1947 (1947 का 14) के धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के सबद्ध निवाजको और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पचास को प्रकाशित करता है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[स. एल-40012/257/92-आई. आर (डी. यू. )]  
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1255.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/257/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/64/94

Presiding Officer : Shri K. M. Rai

Shri Abdul Aziz  
through: All India Telegraphs  
Engineering Employees Union  
88, MG Road,  
Indore

...Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

Non applicant.

## AWARD

Passed on this 8th day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/257/92-IRDU dt. 15-3-94 has referred the following dispute for adjudication by this tribunal.

“Whether the action of the Dy. General Manager, Telecom Deptt. of Telecommunication, Indore, telephones in retrenching the services of Shri Abdul Aziz w.e.f. 26-1-90 is justified? If not, what relief he is entitled to?”

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India Indore on 1-5-85 on daily wage basis for laying the telephone line and maintaining the same. He was getting the

regular payment of wages for working 6 days in week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Sec. 25B of I.D. Act, 1947 he was removed from service by the oral order dated 26-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Sec. 25F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore, the compliance of provisions of Sec. 25F of I.D. Act 1947 is not required at all. The workman was not given any appointment and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case.

1. Whether the workman was illegally retrenched from service by the management w.e.f. 26-1-90.

2. Whether the workman is entitled to reinstatement with back wages

3. Relief and costs.

6. Issue No. 1 : Retrenchment has been defined in Sec. 2(oo) as under :

retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include.

- voluntary retirement of the workman; or
- retirement of the workman on reaching the age of superannuation if the contract of

employment between the employer and the workman concerned contains a stipulation in that behalf; or

bb. termination of the service of the workman as a result of the non renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or

c. termination of the service of a workman on the ground of continued ill health.

7. Admittedly the workman had continuously served with the Telecommunication department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services, he was not given one months notice in writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact, the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR 1976, SC page 1111, SBI versus Shri Sunder S. Mani. AIR 1977, SC pg. 31, M/s. Hindustan Steel Ltd., versus Presiding Officer, Labour Court Orissa and others. AIR 1980 SC page 1219 Santosh Gupta versus State Bank of Patiala. AIR 1981 SC Page 1253 Mohanlal versus Management of M/s. Bhart Electronics Ltd. AIR 1982 SC pg. 854, L. Robert Disouza vrs. Executive Engineer, Southern Railway and another. In this way, every termination of service of workman, which is not covered by exception of Sec. 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Sec. 2(oo) of the I.D. Act, 1947, hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2 : The workman had continuously worked for more than one year in the employment of Telecom Deptt. Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Sec. 25F of the Industrial dispute Act 1937 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3 : On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Govt. of India, Ministry or Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.अ. 1256.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधक के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[सं. एल-40012/259/92-आई आर. (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1256.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Department and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/259/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

No. R/66/94

Presiding Officer : Shri K. M. Rai.  
Shri Ramjilal S/o Nathuram,  
through : All India Telegraphs  
Engineering Employees Union,  
88, MG Road,  
Indore.

...Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

...Non-applicant.

AWARD

Passed on this 1st day of February, 2000

1. The Government of India, Ministry of Labour vide order No. L-40012/259/92-IR.DU dated 9-5-94 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the Dy. General Manager, Telecom, Department of Telecommunication, Indore, telephones in retrenching the services of Shri Ramjilal S/o Shri Nathuram w.e.f. 25-1-90 is justified? If not, what relief he is entitled to?"

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 1-4-85 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Section 25-B of I.D. Act, 1947 he was removed from service by the oral order dated 25-1-90. He was not given one month notice prior to removing him from service. He has also not been paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Section 25-F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore he deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman was employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Section 25-F of I.D. Act, 1947 is not required at all. The workman was not given any appointment order and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case :—

1. Whether the workman was illegally retrenched from service by the management w.e.f. 25-1-90 ?
2. Whether the workman is entitled to reinstatement with back wages ?
3. Relief and costs ?

6. Issue No. 1.—Retrenchment has been defined in Section 2(oo) of I.D. Act, 1947 as under :

“retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a

punishment inflicted by way of disciplinary action but does not include—

- (a) voluntary retirement of the workman, or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf ; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ; or
- (c) termination of the service of a workman on the ground of continued ill health.”

7. Admittedly the workman had continuously served with the Telecommunication Department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services he was not given one month's notice in the writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR 1976 SC page 1111, SBI versus Shri Sunder S. Mani, AIR 1977 SC page 31, M/s. Haryana Steel Ltd., versus Presiding Officer, Labour Court Orissa and others, AIR 1980, SC page 1219. Santosh Gupta versus State Bank of Patiala, AIR 1981 SC page 1263, Mohanlal versus Management of M/s. Bharat Electronics Ltd., AIR 1982, SC page 854. L. Robert Disouza versus Executive Engineer, Southern Railway and another. In this way, every termination of service of workman, which is not covered by exception of Sec. 2(oo) of I.D. Act, 1947 amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Section 2(oo) of the I.D. Act, 1947. Hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2.—The workman had continuously worked for more than one year in the employment of Telecom. Department Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Section 25-F of the Industrial Disputes Act, 1937 has not been complied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3.—On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case parties shall bear their own cost.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. N. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.सा. 1257—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधन के संवद नियोजको और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[म. एन-40012/260/92-आई आर (डी य)]  
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1257.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/260/92-ID (DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/67/94

Presiding Officer : Shri K. M. Rai.

Shri Suresh Kumar S/o Shankarlal,  
through: All India Telegraphs  
Engineering Employees Union,  
88, M. G. Road,  
Indore.

Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

Non-applicant.

### AWARD

Passed on this 2nd day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/260/92-IRDU dated 9-5-94

has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Dy. General Manager, Telecom Department of Telecommunication, Indore, in retrenching the services of Shri Suresh Kumar, S/o Shri Shankarlal w.e.f. 26-6-90 is justified? If not, what relief he is entitled to?”

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 14th April, 1981 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment or wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Sec. 25B of I.D. Act, 1947 he was removed from service by the oral order dated 26-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Section 25F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with the workman has not been retrenched and therefore the compliance of provisions of Section 25F of I.D. Act, 1947 is not required at all. The workman was not given any appointment and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case :

1. Whether the workman was illegally retrenched from service by the management w.e.f. 26th January, 1990.
2. Whether the workman is entitled to reinstatement with back wages.

## 3. Relief and costs.

6. Issue No. 1: Retrenchment has been defined in Section 2(oo) as under :

Retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include :

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ; or
- (c) termination of the service of a workman on the ground of continued ill-health.

7. Admittedly the workman had continuously served with the Telecommunication Department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services he was not given one month's notice in writing indicating the reasons for termination. At the same time no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place when the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR 1976 SC page 1111, SBI versus Shri Sunder S. M. AIR 1977 SC page 31, M/s. Hindustan Steel Ltd. versus Presiding Officer, Labour Court, Orissa and others AIR 1980 SC page 1219 Santosh Gupta versus State Bank of Patiala AIR 1981 SC page 1253, M/s. Patel versus Management of M/s. Bharat Electronics Ltd. AIR 1982 SC page 854, L. Robert Dison versus Executive Engineer, Southern Railway and another. In this way, every termination of service of workman, which is not covered by exception of Section 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Sec 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

3. Issue No. 2: The workman had continuously worked for more than one year in the employment of Telecom Department, Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions

of Section 25-F of the Industrial Dispute Act, 1937 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3: On the reasons stated above the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.श. 1258.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संलग्न नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जदलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था ।

[सं. एल-40012/262/92-आई आर (डी यू)]  
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1258.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/262/92-IR(DU)]  
KULDIP RAI VERMA, Desk Officer

## ANNEXURE

OFFICE OF THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/68/94

Presiding Officer : Shri K. M. Rai  
Smt. Mulia Bai,  
through : All India Telegraphs  
Engineering Employees Union,  
88, M. G. Road,  
Indore.

.. Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

.. Non-applicant.

## AWARD

Passed on this 1st day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/262/92-IRDU dated 9-5-94 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Dy. General Manager, Telecom Department of Telecommunication, Indore, telephones in retrenching the services of Smt. Mulia Bai w.e.f. 26-1-90 is justified? If not, what relief he is entitled to?”

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 1st August, 1985 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Sec. 25B of I.D. Act, 1947 he was removed from service by the oral order dated 26-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Section 25F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with the workman has not been retrenched and therefore the compliance of provisions of Section 25F of I.D. Act, 1947 is not required at all. The workman was not given any appointment order and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case :

1. Whether the workman was illegally retrenched from service by the management w.e.f. 26th January, 1990?

2. Whether the workman is entitled to reinstatement with back wages?

3. Relief and costs?

6. Issue No. 1 : Retrenchment has been defined in Section 2(oo) as under :

Retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include :

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) termination of the service of a workman on the ground of continued ill-health.

7. Admittedly the workman had continuously served with the Telecommunication Department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services, he was not given one month notice in writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact, the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR. 1976, SC. page 1111, SBI versus Shri Sunder S. Mani. AIR 1977, SC page 31. M/s. Hindustan Steel Ltd., versus Presiding Officer, Labour Court, Orissa and others. AIR. 1980, SC. page 1219. Santosh Gupta versus State Bank of Patiala. AIR 1981, SC. page 1253. Mohanlal versus Management of M/s. Bharat Electronics Ltd. AIR. 1982 SC page 854. L. Robert Disouza versus Executive Engineer, Southern Railway and another. In this way, every termination of service of workman, which is not covered by exception of Section 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Section 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2 : The workman had continuously worked for more than one year in the employment of Telecom Department, Indore as admitted by them. His continuous service was for more than 240 days

in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Section 25-F of the Industrial Dispute Act, 1937 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3 : On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case parties shall bear their own cost.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.आ. 1259.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[सं. एल-40012/263/93- आई आर (डी यू) ]  
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1259.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/263/92-IR(DU)]  
KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR

Case No. CGIT/LC/R/69/94

Presiding Officer : Shri K. M. Rai.  
Shri Naveen,  
through: All India Telegraphs  
Engineering Employees Union,  
88, M. G. Road,  
Indore

..Applicant.

Versus

The District Manager,  
Telecommunications,  
Indore.

..Non-applicant.

#### AWARD

Passed on this 2nd day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/263/92-IRDU dated 9-5-94 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the Dy. General Manager, Telecom Department of Telecommunication, Indore, telephones in retrenching the services of Shri Naveen w.e.f. 26-1-90 is justified ? If not, what relief he is entitled to ?”

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Section 25B of I.D. Act, 1947 he was removed from service by the oral order dated 26-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Section 25F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Section 25F of I.D. Act, 1947 is not required at all. The workman was not given any appointment order and he was being paid the wages from contingency fund. He was not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case :

1. Whether the workman was illegally retrenched from service by the management w.e.f. 26th January, 1990.
2. Whether the workman is entitled to reinstatement with back wages.
3. Relief and costs.

6. Issue No. 1 : Retrenchment has been defined in Section 2(oo) as under :

Retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include;

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf ; or

- (bb) terminating of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ; or

- (c) termination of the service of a workman on the ground of continued ill-health.

7. Admittedly the workman had continuously served with the Telecommunication Department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services he was not given one months notice in writing indicating the reasons for termination. At the same time no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact, the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR 1976, SC, page 1111, SBI versus Shri Sunder S. Mani AIR 1977 SC page 31, M/s. Hindstan Steel Ltd., versus Presiding Officer, Labour Court, Orissa and others, AIR 1980, SC, page 1219. Santosh Gupta versus State Bank of Patiala, AIR 1981 SC Page 1253, Mohanlal versus Management of M/s. Bharat Electronics Ltd. AIR 1982, SC, Page 854, L. Robert Disoja versus Executive Engineer, Southern Railway and another. In this way, every termination of service of workman which is not covered by exception of Section 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Section 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8 Issue No. 2 : The workman had continuously worked for more than one year in the employment of Telecom Department, Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Section 25-F of the Industrial Dispute Act, 1947 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3 : On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.ग्रा. 1260.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार द्वारा संसार विभाग के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था ।

[सं. एल-40012/264/92-ग्राई ग्रा (सी यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1260.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telcom Department and their workman, which was received by the Central Government on 11-5-2001.

[No. L-40012/264/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/57/94

PRESIDING OFFICER : Shri K. M. Rai.

Shri Bhim Rao,  
through : All India Telegraphs  
Engineering Employees Union,  
88, MG Road,  
Indore.

...Applicant.



## Versus

The District Manager,  
Telecommunications,  
Indore.

... Non-Applicant.

## AWARD

Passed on this 7th day of February, 2001

1. The Government of India, Ministry of Labour vide order No. L. 40012/264/92-IR(DU) dated 15-3-94 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the Dy. General Manager, Telecom Department of Telecommunication, Indore, telephones in retrenching the services of Shri Bhim Rao w.e.f. 26-1-90 is justified? If not, what relief he is entitled to?"

2. The case for the workman is that he was employed by the Dy. General Manager, Department of Telecommunications, Government of India, Indore on 1-2-85 on daily wage basis for laying the telephone line and maintaining the same. He was getting the regular payment of wages for working 6 days in a week. In this situation, he was entitled to one day weekly holiday with wages. He had continuously worked for more than 240 days in a calendar year and therefore he had attained the status of regular employee. Without complying with the provisions of Sec. 25B of I.D. Act, 1947 he was removed from service by the oral order dated 26-1-90. He was not given one month notice prior to removing him from service. He has also not paid one month salary in lieu of removing him from service. He has not been paid retrenchment compensation according to the provisions of Sec. 25F of I.D. Act, 1947.

3. The workman further alleges that prior to terminating his services, no permission was obtained from the Government of India. There was no justification in removing him from service as the work is still continuing for which he was initially employed by the telecommunication department. The workman's termination from service by the management is absolutely illegal and unjust and therefore it deserves to be quashed. He is entitled to reinstatement with back wages and other consequential benefits attaching to the post.

4. The case for the management is that the workman was employed on daily wage basis for performing the duty of laying telephone line and maintaining the same. He was not employed as a regular worker and therefore no condition of service was attached. Before terminating his service, giving one month notice was not required. It was also not necessary to obtain prior sanction before terminating the service of the workman as he was daily wage paid worker. The work for which the workman employed was finished and therefore his services were rightly dispensed with. The workman has not been retrenched and therefore the compliance of provisions of Sec. 25F of I.D. Act, 1947 is not required at all. The workman was not given any appointment and he was being paid the wages from contingency fund. He was

not employed according to recruitment rules and therefore he cannot claim to be regularised in the instant case. His termination from service is just and proper. He is not entitled to any relief as claimed by him.

5. The following issues are arising for decision in the present case:

1. Whether the workman was illegally retrenched from service by the management w.e.f. 26-1-90?
2. Whether the workman is entitled to reinstatement with back wages?
3. Relief and costs.

6. Issue No. 1 : Retrenchment has been defined in Section 2(o) as under:

Retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include:

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) termination of the service of a workman on the ground of continued ill health.

7. Admittedly the workman had continuously served with the Telecommunication department for a period of more than one year. His continuous service in the Department was more than 240 days. Before terminating his services, he was not given one month's notice in writing indicating the reasons for termination. At the same time, no compensation was paid to him in lieu of such notice. Now we have to consider as to whether the termination amounts to retrenchment. Whatsoever the reason every termination spells retrenchment. The termination takes place where the term expires either by the active step of the master or running out of the stipulated terms. In view of this fact the termination of workman in the instant case also amounts to retrenchment as laid by the Supreme Court in AIR, 1976, SC, page 1111, SBI versus Shri Sunder S. Mani, AIR 1977, SC, p. 31. M/s. Hindustan Steel Ltd., versus Presiding Officer, Labour Court Orissa and others, AIR, 1980, SC,

page 1219, Santoshi Gupta versus State Bank of Patiala, AIR, 1981, SC, page 1253, Mohanlal versus Management of M/s. Bharat Electronics Ltd., AIR, 1982, SC, page 854, L. Robert Disouza versus Executive Engineer, Southern Railway and another. In this way, every termination of service of workman which is not covered by exception of Sec. 2(oo) amounts to retrenchment. The present case of workman is not covered under any of the exceptions of Sec. 2(oo) of the I.D. Act, 1947 hence the termination of workman from service in the present case amounts to retrenchment as laid down by the SC in the foregoing cases. Issue No. 1 is answered accordingly.

8. Issue No. 2.—The workman had continuously worked for more than one year in the employment of Telecom Department, Indore as admitted by them. His continuous service was for more than 240 days in a calendar year. Before terminating his service neither any 30 days notice was given to him nor the retrenchment compensation was paid. In this way the conditions of Section 25-F of the Industrial Disputes Act, 1947 has not been applied with by the management before terminating the service of the workman. Hence this termination is illegal and therefore the workman is entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3.—On the reasons stated above, the termination order passed by the management against the workman is hereby quashed. The workman shall be reinstated with all back wages and other monetary benefits as permissible according to rules. The workman shall be entitled to back wages at the rate he was being paid the wages at the time of termination. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.आ. 1261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेंट, आर. एम. एस. के प्रबंध के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2001 को प्राप्त हुआ था।

[सं. एल-42012/254/94-आ. (डी यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th May, 2001

S.O. 1261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Superintendent, R.M.S. and their workmen, which was received by the Central Government on 11-5-2001.

[No. L-42012/254/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Camp at Raipur

K. M. Rai-- Presiding Officer.

Case No. CGIT/LC(R)(43)/96

Sailendra Kumar Nonhare,

Ex-daily rated mazdoor ... Workman

Versus

Superintendent, R.M.S.

R. P. Division, Raipur. ... Management.

#### AWARD

(Passed on this 29th day of March, 2001)

The Government of India, Ministry of Labour, has referred the following dispute vide order No. L-42012/254/94-IR(DU), dated 30-1-1996 for adjudication:

"Whether the termination of service and refusal of employment to Sri Sailendra Kumar Nonhare, ex-daily rated mazdoor by the management of Superintendent, R.M.S., RP Division, Raipur w.e.f. 17-9-1987 is legal and justified? If not, to what relief the workman is entitled to and what should be details?"

2. The workman did not appear in the court when the case was called on for hearing. It appears that he is not interested in pursuing his claim. Hence, the case proceeded ex-parte.

3. In the absence of the workman, it is held that no dispute exists between the parties to the case. The workman is, therefore, not entitled to any relief as claimed by him.

4. In view of the above said facts, the reference is answered in favour of the Management and against the workman.

K. M. RAI, Presiding Officer

## शुद्धि पत्र

नई दिल्ली, 23 मई, 2001

का.आ. 1262:—भारत सरकार, श्रम मंत्रालय की अधिसूचना सं. का.आ. 2555 दिनांक 8 अगस्त, 1988 जो भारत के राजपत्र भाग-II खंड-3, उपखंड (ii) के पृष्ठ 3186 पर प्रकाशित है के क्रमांक-2 के सामने की प्रविष्टियों के स्थान पर निम्नांकित रूप में पढ़ा जाए :—

ग्राम का नाम	हदवस्त संख्या	तहसील	जिला
2. "पलवल	73	पलवल	फरीदाबाद
3. अगवानपुर	65	पलवल	फरीदाबाद
4. खुसरूपुर	159	पलवल	फरीदाबाद"

[फा. सं. एस-38013/29/88-एस.एस.-I]

एल. एच. रुलनगुल, अवर सचिव

## CORRIGENDUM

New Delhi, the 23rd May, 2001

S.O. 1262.—In the notification of the Government of India in the Ministry of Labour No. S.O. 2555, dated 8th August, 1988 published in the Gazette of India, Part-II, Section-3, sub-section (ii) as page 3187 for the entries against Sl. No. 2 read as under:

Name of village	Had Bast No.	Tehsil	District
2. "Palwal	73	Palwal	Faridabad
3. Agwanpur	65	Palwal	Faridabad
4. Khusrupur	159	Palwal	Faridabad"

[F. No. S-38013/29/88-SS-I]

L.H. RUOLNGUL, Under Secy.

नई दिल्ली, 30 अप्रैल, 2001

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, BANGALORE

Dated : 23rd April, 2001

C.R. No. 8/94

## PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB.,  
Presiding Officer.

## I PARTY

The General Secretary,  
Tungabhadra Gramin Bank  
Employees Union,  
No. 144, Koppagal Road,  
Bellary.

## II PARTY

The Chairman,  
Tungabhadra Gramin Bank,  
Head Office,  
No. 32, Sanganakal Road,  
Gandhinagar,  
Bellary.

का.आ. 1263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभद्रा ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-2001 प्राप्त हुआ था।

[सं. एल-12012/226/93-आई आर (बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 30th April, 2001

S.O. 1263.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tungabhadra Gramin Bank and their workmen, which was received by the Central Government on 27-4-2001.

[No. L-12012/226/93-IR(B-I)]

AJAY KUMAR, Desk Officer

## AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/226/93-IRB-I dated 31-1-94 for adjudication on the following schedule :

## SCHEDULE

"Whether the action of the Chairman, Tungabhadra Gramin Bank in imposing the penalty on Shri G. Siddappa, Messenger; vide proceedings dated 22-10-92 is legal and justified? If not, to what relief the workman is entitled?"

2. The first party was appointed as a part-time messenger by order dated 27-8-1987. Charge sheet was issued to the first party and enquiry was held. After the receipt of report penalty was imposed and therefore the present dispute is raised.

3. After issue of notices parties appeared and filed claim statement and counter respectively.

4. The case of the first party is that the charge sheet did not disclose the provisions of loan rule under which the disciplinary action is initiated against him. All the 3 charges are not correct. In para 5 of the Claim Statement details of the charges are given. The first party denied all the charges. The charges were vague and untenable. The first party was nothing to do with the loan availed by Kalinga Mudukanagouda. The first party is non matric and he is unable to understand English. The enquiry was conducted in English and so far as the enquiry is concerned the contention is that full opportunity was not given and misconduct is not proved and therefore, the stoppage of 2 increments with cumulative effect is not correct. The first party for these reasons has prayed to pass an award.

5. Second party appeared and filed counter contenting that the punishment of stoppage of one increment is correct. The dispute is not legally and properly espoused by the Union. First party was full time messenger-cum-sweeper on probation w.e.f. 1-4-1992. It is the further case of the second party that one Smt. Kurubor Dyamavva, W/o Sri K. Hanumanthappa had availed a gold loan of Rs. 1,650 on 7-8-1987. In the loan recall notice, the name of the borrower was wrongly mentioned as Smt. Kurugodu Dyavamma, W/o Sri K. Hanumanthappa and as there was another party by similar name, the said notice was wrongly delivered to her. The party by name Smt. Kurugodu Dyavamma approached the first party at his residence twice, as she was residing near by the first party's house. The first party on both the occasions misled her to get the ornaments released after clearing the loan amount, although she told him that she had not pledged and availed any gold loan from the said Branch. The said lady got the ornaments released on 15-5-1989 by producing the recall notice and clearing the loan amount. Though the first party

was present in the Bank on 15-5-89, when delivery of gold ornaments took place, he did not inform the Branch Manager of the fact that she is not the real borrower or the true owner of the pledged ornaments. On 19-5-89 when Shri K. Hanumanthappa, the husband of the actual borrower Smt. Kurubar Dyavamma, came to the branch to clear the gold loan account, the Bank came to know about the delivery of the gold ornaments to other than the real borrower/owner. Upon enquiry, Smt. Kurugodu Dyavamma, W/o Sri Siddappa admitted of having fraudulently withdrawn the gold ornaments. Thus, the first party has acted prejudicial to the interest of the Bank and in contravention of the service condition No. 3 of his appointment.

6. It is the further case of the second party that the second party Branch had sanctioned a loan of Rs. 5,450 to Shri Havadi Basappa, S/o Sri Yankappa. After disbursement of loan by the Branch, the party had handed over the entire amount of Rs. 5,450 to the first party and asked him to pay the said amount to one Mr. Tekkalakote Mallayya. But the employee gave only Rs. 5000 to Shri Tekkalakote Mallayya and misutilised the remaining amount of Rs. 450 without informing both the persons. Later on, the first party credited a sum of Rs. 100 on 30-11-88 to the loan account of Shri Havadi Basappa out of Rs. 450, which was misutilised by him. He has thereby acted in contravention of the service conditions of his appointment order.

7. The first party to avail gold loan, offered his own gold ornaments to one Shri Kalinga Mudukana Gowda, S/o Sri Basanagowda and got sanctioned a gold loan of Rs. 500 on 1-6-88 and utilised the amount to his own benefit. Later on, with an intention to get the gold ornaments released, the first party obtained the signature of Shri Kalinga Mudukanagowda on loan ledger sheet under column 'Received Gold Ornaments pledged in original condition' without informing the purpose to the party and without the knowledge of the Branch.

8. The above acts committed by the first party amounts misconduct and rightly charge sheet was given. Regarding enquiry it is said the same is correct and valid and full opportunity was given to the first party and all the allegations are not true. The second party for all these reasons has prayed to reject the reference.

9. It is seen from the records that my learned predecessor answered additional issue on domestic enquiry holding that the same is fair and proper. Thereafter the case was posted for arguments on merits. After giving adjournment the first party and counsel remained absent. I have heard the learned counsel for the second party. I have perused all the material before me. I have carefully gone through the records of the enquiry and the evidence adduced before the enquiry officer. Now the first party has to prove that the finding given by the enquiry officer is perverse and the evidence before him is not sufficient to prove the charges but the first party has failed to prove all

that. First party has filed written arguments and, have considered the same carefully. According to the first party the only witness that could have been stated before the enquiry officer, whether Kurugodu Dyavamma called the workman at his residence for clarification and whether the workman mislead her to get the ornaments is Smt. Kurugodu Dyavamma. Though she was listed as witness on examination of MW1 the other witnesses Kurugodu Dyavamma, Kalinga Mudukana Gowda and Havadi Basappa were withheld from the enquiry without assigning any reason. In paras 7 and 8 of the written arguments the first party has alleged that the non-examination of witnesses would go to show that the finding of the enquiry officer is not correct and there is no evidence. In my humble opinion there is no merit in this argument. Admittedly the domestic enquiry is held as fair and valid. The evidence before the enquiry officer is sufficient to prove the misconduct, and therefore, the contention of the first party that non-examination of other witnesses is fatal to the management is not correct. Keeping in mind the principle held in State Bank of India, Appellant C. Tarun Kumar Banerjee and others, Respondents decision reported in AIR 2000 Supreme Court

3028, I am of the opinion that there is no merit in the arguments advanced by the first party. The management has proved the misconduct, there is no perversity in the finding given by the enquiry officer. It was further argued by the learned counsel for the management that there is no evidence on behalf of the union to establish that the union has authority to raise the dispute for the workmen. There is merit in his contention. I have already held that the misconduct is proved and there is no perversity in the finding given by the enquiry officer and there is no unfair labour practice. In view of these facts the action of the management in imposing penalty under reference is correct and accordingly I proceed to pass the following order.

#### ORDER

The reference is rejected.

(Dictated to PA transcribed by her, corrected and signed by me on 23rd April, 2001.)

SHRI V. N. KULKARNI, Presiding Officer

